

AL-15-001-2128

RICHARD J. DURBIN

U.S. SENATOR

ASSISTANT DEMOCRATIC LEADER

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON THE JUDICIARY

COMMITTEE ON RULES
AND ADMINISTRATION

United States Senate
Washington, DC 20510-1501

July 27, 2015

The Honorable Gina McCarthy
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

I write to inquire how the designation of S.S. Badger as a National Historical Landmark (NHL) by the Department of Interior would affect the ship's obligation to comply with regulations from the Environmental Protection Agency (EPA).

When the S.S. Badger was originally nominated to receive NHL status in 2011, many believed that it was another attempt by the ship's owners to avoid meeting important water quality standards. At the time, the S.S. Badger was exempt from federal Clean Water Act regulations and was dumping more than 500 tons of coal ash directly into Lake Michigan every year. In addition to applying for Landmark designation, the S.S. Badger was pursuing legislation to make permanent its exemption from current environmental standards.

Efforts by the owners of the S.S. Badger avoid compliance with current environmental standards were particularly concerning, as coal ash contains heavy metals such as arsenic, lead, and mercury. Lake Michigan is the primary source of drinking water for more than ten million people. Environmental and public health leaders opposed the NHL designation and called on the S.S. Badger to stop discharging harmful pollutants into one of the country's most precious natural resources.

This year, in compliance with a consent agreement with the EPA, the S.S. Badger is operating without dumping coal ash in Lake Michigan. Before the ship is selected as a Historical Landmark, EPA should confirm that this designation would not allow the Badger to shirk compliance with any existing environmental standards or new standards that may be required to protect the quality of our air or our water.

Sincerely,



Richard J. Durbin
United States Senator

AL-15-001-2128



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

AUG 26 2015

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your July 27, 2015 letter regarding designation of the S.S. Badger car ferry as a National Historic Landmark.

Section 110(f) of the National Historic Preservation Act requires that federal agencies "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm" to historic landmarks. If the S.S. Badger were designated as a historic landmark, the U.S. Environmental Protection Agency would be required to evaluate all activities related to the S.S. Badger against this standard. The nature and extent of this evaluation would depend on the specifics of the historic landmark designation and the particulars of the proposed EPA action.

For detailed information regarding the S.S. Badger's nomination as a National Historic Landmark and applicable National Historic Landmark criteria, please contact J. Paul Loether, Chief, National Register of Historic Places/National Historic Landmarks Program, at (202) 354-2003.

Again, thank you for your letter. If you have further questions, please contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator

United States Senate

Washington, DC 20510-1504

July 30, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington DC 20460

Christy Goldfuss
Managing Director
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Administrator McCarthy and Managing Director Goldfuss:

I write to urge the Environmental Protection Agency (EPA) to initiate a Clean Water Act 404(c) veto for the St. Johns Bayou New Madrid Floodway project, and to make the Council on Environmental Quality (CEQ) apprised of the request. Independent environmental impact studies and studies done by the EPA, itself, conclude the project would destroy fish and wildlife habitat. Moreover, it would adversely affect small towns up- and downriver from the project, like Cairo, Illinois.

Clean Water Act section 404(c) gives EPA the authority to stop projects that would have "an unacceptable adverse effect" on, among other things, fishery areas (including spawning and breeding areas) or wildlife. EPA has already made the findings needed to support a veto when it concluded that the project would "significantly alter fish and wildlife resources of regional and national importance" and cause "significant" impacts to the aquatic environment including "the greatest loss of wetlands function in EPA Region 7's history."

As EPA and CEQ are aware, the U.S. Fish and Wildlife Service and Department of the Interior have made similar findings. The Fish and Wildlife Service has concluded that the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats found in southeast Missouri." The Department of the Interior has determined that the project would degrade or destroy more than 53,000 acres of functional wetlands.

The Army Corps of Engineers' own independent external peer review panel put these impacts in chilling perspective when it concluded that the project would be the 'straw that broke the camel's back'" for the river's long term health and sustainability.

By promoting increased agricultural development in the New Madrid Floodway, the project will also intensify the already substantial opposition to using the Floodway for its intended purpose of diverting flood waters away from river communities during major floods. Cairo and other Illinois communities are at particular risk. In 2011, delays in using the Floodway led to devastating flooding in Olive Branch and millions of dollars in damages. Any further delay could have completely wiped out Cairo. Dozens of community leaders, including Cairo's Mayor and Councilmembers, have called for a Clean Water Act veto of this project.

The St. Johns Bayou New Madrid Floodway project could not be more at odds with the Clean Water Act and this Administration's commitment to wetlands protection, wildlife conservation, and modern flood risk management. I urge EPA to veto this project to protect the environment and the safety and well-being of Illinoisans.

Sincerely,

A handwritten signature in black ink, reading "Dick Durbin". The signature is fluid and cursive, with the first name "Dick" and last name "Durbin" clearly distinguishable.

Richard J. Durbin
United States Senator

Congress of the United States
Washington, DC 20515

July 30, 2015

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

We commend the Environmental Protection Agency (EPA) for moving forward with an update to the National Ambient Air Quality Standards (NAAQS) for ozone, or smog. Exposure to ozone can make it more difficult to breathe, trigger coughing and more frequent asthma attacks, and cause long-term damage to the lungs. Research also indicates that ozone exposure may increase the risk of premature death from heart or lung disease. For these reasons, we are writing to express our strong support for a science-based standard of 60 parts per billion (ppb). Despite the tremendous success of the Clean Air Act, millions of Americans are still breathing unhealthy air. A strong smog standard of 60 ppb would drive investments in clean energy and public transit infrastructure, save taxpayers billions of dollars annually in health care costs, and save lives.

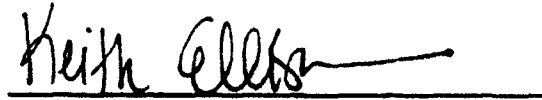
Research clearly shows that air pollution harms some communities more than others. Low income families and communities of color in particular bear a disproportionate share of the burden. A 2011 study by the Centers for Disease Control found that Latinos, Blacks, Asians and Pacific Islanders are more likely to live in areas where air pollution fails to meet national standards. Further, communities of color are more likely to lack access to adequate healthcare and experience higher levels of unemployment, compounding the situation for too many families.

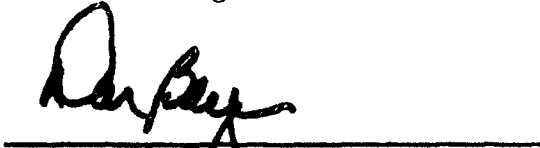
The current George W. Bush-era standard of 75 ppb fails to protect public health, not only for low income families and communities of color, but also for other vulnerable populations like children, the elderly, people with breathing ailments like asthma, and outdoor workers. A strong standard of 60 ppb will reap tremendous public health benefits. It is supported by extensive scientific research and respected public health organizations such as the American Lung Association, the American Heart Association, the American Thoracic Society, the American Public Health Association, the American Medical Association, and the American Academy of Pediatrics.

Clean air is a fundamental right currently denied to too many people. We urge the EPA to stay true to the science and seize this opportunity to finalize a strong smog standard that will protect Americans for generations to come. We look forward to working with the EPA to implement an updated standard and appreciate consideration of our views.


Sincerely,

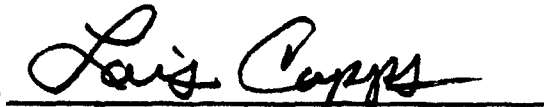

Raúl M. Grijalva
Member of Congress


Keith Ellison
Member of Congress


Donald S. Beyer Jr.
Member of Congress



Earl Blumenauer
Member of Congress



Suzanne Bonamici
Member of Congress



Lois Capps
Member of Congress



Michael E. Capuano
Member of Congress


Matt Cartwright
Member of Congress



Kathy Castor
Member of Congress



Judy Chu
Member of Congress


David N. Cicilline
Member of Congress


Katherine M. Clark
Member of Congress


Yvette D. Clarke
Member of Congress

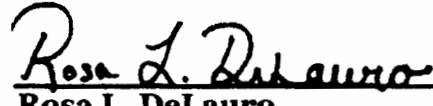

Steve Cohen
Member of Congress


John Conyers Jr.
Member of Congress

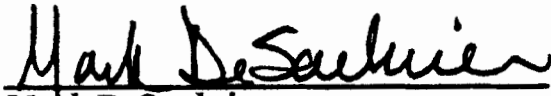

Elijah E. Cummings
Member of Congress



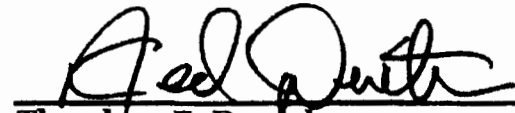
Peter A. DeFazio
Member of Congress



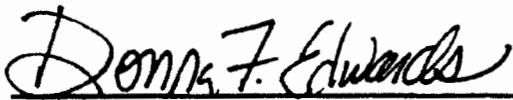
Rosa L. DeLauro
Member of Congress



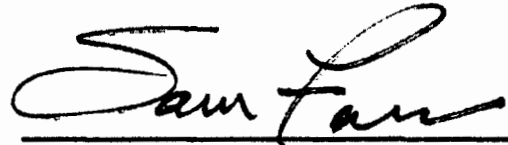
Mark DeSaulnier
Member of Congress



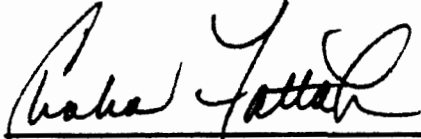
Theodore E. Deutch
Member of Congress



Donna F. Edwards
Member of Congress



Sam Farr
Member of Congress



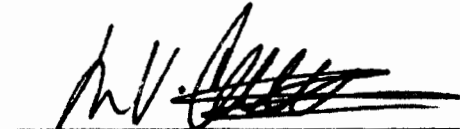
Chaka Fattah
Member of Congress



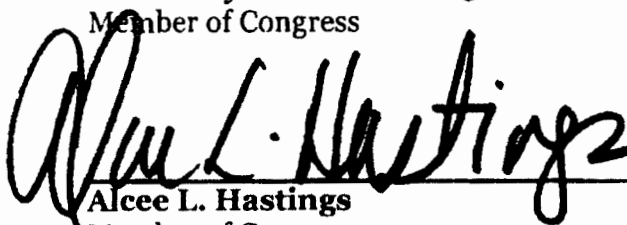
Ruben Gallego
Member of Congress



Alan Grayson
Member of Congress



Luis V. Gutiérrez
Member of Congress



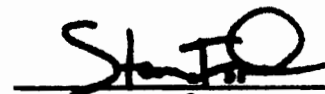
Alcee L. Hastings
Member of Congress



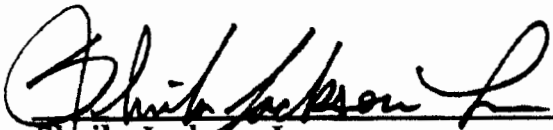
Michael M. Honda
Member of Congress



Jared Huffman
Member of Congress



Steve Israel
Member of Congress

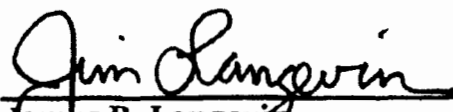


Sheila Jackson Lee
Member of Congress



Eddie Bernice Johnson
Member of Congress

1



James R. Langevin
Member of Congress



Barbara Lee
Member of Congress



Ted Lieu
Member of Congress



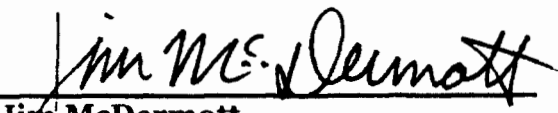
Alan S. Lowenthal
Member of Congress



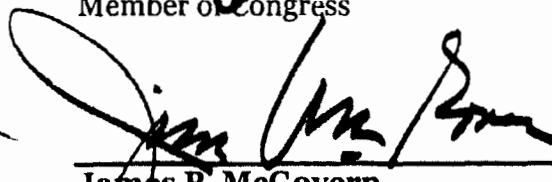
Carolyn B. Maloney
Member of Congress



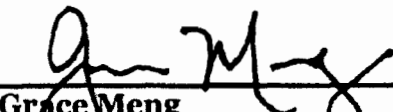
Betty McCollum
Member of Congress



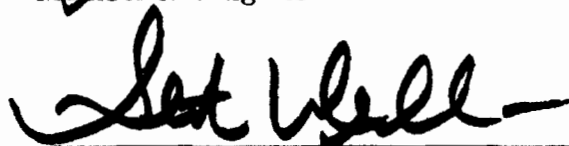
Jim McDermott
Member of Congress



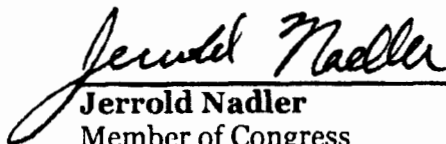
James P. McGovern
Member of Congress



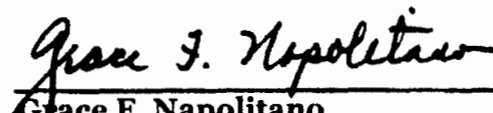
Grace Meng
Member of Congress



Seth Moulton
Member of Congress



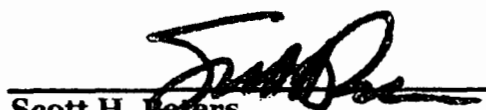
Jerrold Nadler
Member of Congress



Grace F. Napolitano
Member of Congress



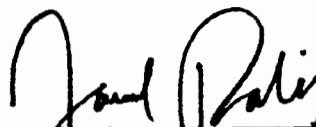
Eleanor Holmes Norton
Member of Congress



Scott H. Peters
Member of Congress



Chellie Pingree
Member of Congress



Jared Polis
Member of Congress

Mike Quigley

Mike Quigley
Member of Congress

Charles B. Rangel

Charles B. Rangel
Member of Congress

Lucille Roybal-Allard

Lucille Roybal-Allard
Member of Congress

Janice D. Schakowsky

Janice D. Schakowsky
Member of Congress

Adam B. Schiff

Adam B. Schiff
Member of Congress

Jose E. Serrano

Jose E. Serrano
Member of Congress

Louise McIntosh Slaughter

Louise McIntosh Slaughter
Member of Congress

Adam Smith

Adam Smith
Member of Congress

Jackie Speier

Jackie Speier
Member of Congress

Mark Takano

Mark Takano
Member of Congress

Paul Tonko

Paul Tonko
Member of Congress

Chris Van Hollen

Chris Van Hollen
Member of Congress

Nydia M. Velázquez

Nydia M. Velázquez
Member of Congress

Maxine Waters

Maxine Waters
Member of Congress

Bonnie Watson Coleman

Bonnie Watson Coleman
Member of Congress

John A. Yarmuth

John A. Yarmuth
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 22 2015

OFFICE OF
AIR AND RADIATION

The Honorable Raúl M. Grijalva
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your letter of July 30, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled.

I appreciate your comments on the ozone proposal and have asked my staff to place your letter in the docket for the rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at jlewis@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

ANNOUNCEMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

FOR IMMEDIATE RELEASE

June 16, 2015

U.S. Environmental Protection Agency

Washington, D.C.

U.S. Environmental Protection Agency

Washington, D.C.

U.S. Environmental Protection Agency

Washington, D.C.



Congress of the United States

House of Representatives

June 16, 2015

U.S. ENVIRONMENTAL PROTECTION AGENCY
 1200 PENNSYLVANIA AVENUE, N.W.
 WASHINGTON, D.C. 20460-0001
 TEL: 202-554-6000

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 WASHINGTON, D.C. 20460-0001
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U.S. ENVIRONMENTAL PROTECTION AGENCY
 1200 PENNSYLVANIA AVENUE, N.W.
 WASHINGTON, D.C. 20460-0001
 TEL: 202-554-6000

The Honorable Gina McCarthy
 Administrator
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, NW
 Washington, DC 20460

Dear Administrator McCarthy:

We write today to express our support for the role that biomass power plays in our Nation's energy supply, and to request that EPA take action to remove regulatory ambiguities in the treatment of utility-scale biomass power as a renewable resource. Biomass is a renewable form of energy that provides jobs for our rural communities, promotes healthy forests, and offers an environmental solution for organic material that would otherwise be landfilled, left to decay in the forest or on farm fields, or simply burned. Converting these low-value materials to electricity is a win for the environment and our economy.

The primary source of biomass feedstock for electricity comes from "low-value" wood and agricultural residues. While biomass varies by region, all biomass fuels for electricity share a common trait, namely, a material that has no higher value use in the marketplace. Biomass feedstocks for electricity are not generally "grown" or "harvested" for energy, but are a by-product of *non-energy* uses. Whether from forests (tops, limbs, thinnings), farms (rice hulls, bagasse, orchard prunings) or the urban environment (pallets, railroad ties and other forms of "waste wood"), biomass power's use of these materials should be encouraged for producing electricity.

While EPA has been generally supportive of biomass power in recent documents, how the agency intends to treat biomass power continues to be ambiguous at best. We request that EPA move quickly to clarify the extent to which these facilities will be covered by proposed carbon emission rules. Providing this regulatory certainty, including through full or partial exemption from these rules, could promote a diverse energy portfolio and contribute to healthy forests, farms, and rural communities.

Thank you for your timely consideration of our request. We look forward to your response and to continuing to work with you in service of the American people.

Sincerely,

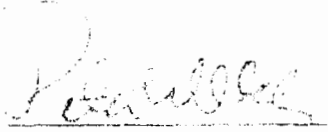
Ann McLane Kuster
 Member of Congress

Bruce Westerman
 Member of Congress

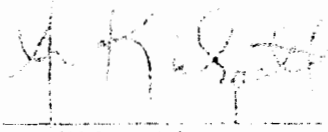
The Honorable Gina McCarthy

Page 2

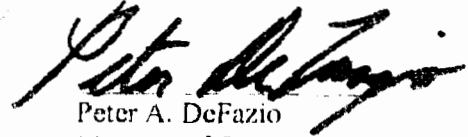
June 15, 2015




Peter Welch
Member of Congress



Ann Kirkpatrick
Member of Congress



Peter A. DeFazio
Member of Congress



Scott R. Tipton
Member of Congress



Paul D. Tonko
Member of Congress



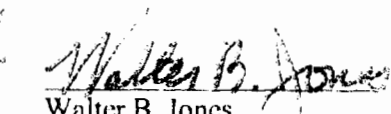
Richard M. Nolan
Member of Congress



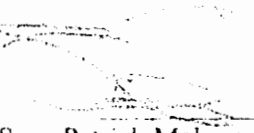
Collin C. Peterson
Member of Congress



Sean P. Duffy
Member of Congress




Walter B. Jones
Member of Congress



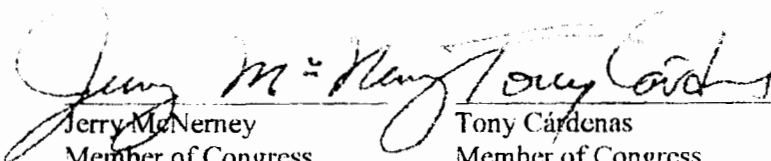
Sean Patrick Maloney
Member of Congress



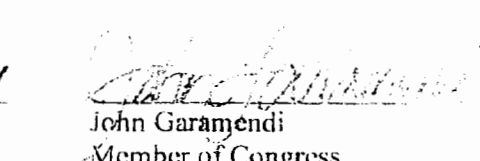
Mark Takai
Member of Congress



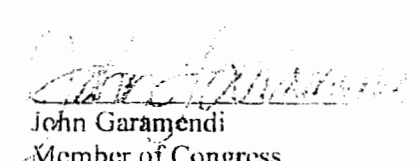
Bruce Poliquin
Member of Congress



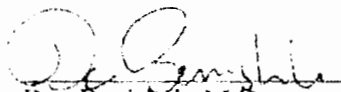
Jerry McNerney
Member of Congress



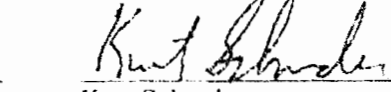
Tony Cardenas
Member of Congress



John Garamendi
Member of Congress



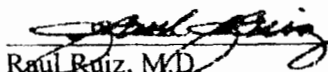
Dan Benishek, M.D.
Member of Congress



Kurt Schrader
Member of Congress



Mark Pocan
Member of Congress



Raul Ruiz, M.D.
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 2015

OFFICE OF
AIR AND RADIATION

The Honorable Bruce Westerman
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Westerman:

Thank you for your letter dated June 16, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the role of biomass in the proposed Clean Power Plan (CPP) and the need to recognize the multiple benefits of sustainably-sourced, renewable biomass feedstocks. The Administrator asked that I respond on her behalf.

As noted in my November 19, 2014, memorandum to the EPA's Regional Air Division Directors, the agency is taking the next steps in its ongoing work to address the issues associated with biogenic carbon dioxide (CO₂) emissions from stationary sources as a part of a broad climate strategy.

To continue advancing the agency's technical understanding of the role biomass can play in reducing overall greenhouse gas emissions, the EPA has developed a second draft of the technical report, the *Framework for Assessing Biogenic Carbon Dioxide (CO₂) from Stationary Sources*. The revised report takes into account the latest information from the scientific community and other stakeholders. The EPA is continuing to refine its accounting work through a second round of targeted peer review with the Science Advisory Board.²

The memorandum also describes the EPA's current thinking pertaining to biogenic CO₂ emissions in the context of the CPP. The agency expects that state reliance on waste-derived feedstocks and agricultural- and forest-derived feedstocks from sustainable practices may be approvable elements of state compliance plans under the CPP. This approach is consistent with the goal in the President's Climate Action Plan to reduce greenhouse gases and promote climate resiliency of forests. Conservation and sustainable management can help to ensure our forests and other lands continue to remove carbon from the atmosphere while also improving soil and water quality, reducing wildfire risk, and otherwise managing forests to be more resilient in the face of climate change. Many states already recognize the importance of forests and other lands for climate resilience and mitigation, and have developed a variety of sustainable forestry and land use management policies and programs to address these concerns.

² The revised draft Framework, SAB peer review request memo and the November 19, 2014 memorandum can be found at: <http://epa.gov/climatechange/ghgemissions/biogenic-emissions.html>. Information regarding the Science Advisory Board peer review process can be found at: <http://www.epa.gov/sab>.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Janet G. McCabe
Acting Assistant Administrator

ROGER F. WICKER
MISSISSIPPI
ARMED SERVICES
BUDGET
COMMERCE, SCIENCE AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
RULES AND ADMINISTRATION

United States Senate
WASHINGTON, DC 20510

www.wicker.senate.gov

June 11, 2015

The Honorable Gina McCarthy
Administrator
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

I am writing regarding the manner and methods of mandatory public notice under the federal Safe Drinking Water Act. I am particularly concerned about the Agency's Stage 2 Disinfectants and Disinfection Byproduct Rule and its effect on small and rural communities.

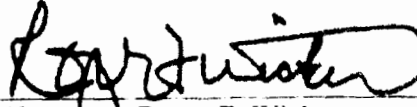
Numerous communities in Mississippi have violated this rule. They have expressed concern that the burden of the required public notice is not commensurate with the public health risk associated with these violations.

I would be eager to know your position or comments on the following questions regarding the public notification requirements under this rule:

- Should any or all violations of the rule be eligible for online reporting? Would this be consistent with the Agency's January 3, 2013, policy allowing for the electronic delivery of certain violations and mandatory reporting?
- Should some or all violations of the rule be eligible for annual reporting? Would this be consistent with the Agency's public notice category allowing communities up to a year to provide notice of a situation to customers and allow reporting in the Consumer Confidence Reports?
- Is there any level of violation (i.e. a temporary exceedance of less than 1 part per billion above the standard) that would be a de minimis public health risk?

Thank you for your consideration of this important matter.

Sincerely,


US Senator Roger F. Wicker

CC: Nancy Stoner, Acting Assistant Administrator for Water, EPA

CC: Peter C. Grevatt, Director, The Office of Ground Water and Drinking Water, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 29 2015

OFFICE OF WATER

The Honorable Roger F. Wicker
United States Senate
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your June 11, 2015, letter to the U.S. Environmental Protection Agency regarding the public notification requirements in the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 rule). The Stage 2 rule was promulgated by the EPA in 2006 to strengthen public health protection from disinfection byproducts. Disinfection is critical to inactivate microbial pathogens but must be balanced to minimize the risks from disinfection byproducts that can form through reaction of disinfectants with naturally occurring materials in the water.

Public notification is intended to ensure that consumers are made aware of potential problems with their drinking water, such as an exceedance of a health-based drinking water standard or a failure to monitor as required by the regulation. Public notification requirements in the Stage 2 rule are categorized into three tiers, each containing specific instructions on when and how the information may be delivered. For example, a Tier 1 notification involves the most immediate health impacts and requires public water systems to inform their customers within 24 hours using media outlets or personally delivering notices to their customers. A Tier 2 notification is issued when a contaminant exceeds the health standard but the contaminant does not pose an immediate risk to human health. Our regulations for Tier 2 notifications require the public water system to notify their customers within 30 days of the violation. A Tier 3 notification is for minor violations with limited health impacts. Our regulations for Tier 3 notifications allow up to a year for delivery, and allow the information to be shared in the annual consumer confidence report (CCR).

In your letter, you requested that the Agency address several questions regarding how utilities are able to communicate violations to the consumer. Responses to these questions are found below.

- ***Should any or all violations of the rule be eligible for online reporting? Would this be consistent with the Agency's January 3, 2013, policy allowing for the electronic delivery of certain violations and mandatory reporting?***

In 2012, the EPA conducted the Consumer Confidence Report Rule Retrospective Review to explore ways to promote greater transparency and public participation in protecting the nation's drinking water. The result of this review was the publication of an interpretive memorandum that clarified the requirements of the CCR rule associated with electronic delivery. Some of the Stage 2 rule violations are

eligible for online annual reporting, consistent with the interpretive memorandum. Examples of Tier 3 violations under the Stage 2 rule include monitoring violations and failure to comply with an approved testing method.

The memorandum does not apply to non-community water systems, some of which may be required to comply with the Stage 2 rule. Non-community water systems are not subject to the CCR rule and therefore are required to notify the public of Tier 3 violations in accordance with the Public Notification rule.

- ***Should some or all violations of the rule be eligible for annual reporting? Would this be consistent with the Agency's public notice category allowing communities up to a year to provide notice of a situation to customers and allow reporting in the Consumer Confidence Reports?***

As noted above, EPA allows community water systems to report Tier 3 violations such as monitoring violations through the annual CCR. By allowing this reporting to be done electronically through the annual CCR, EPA significantly reduced the public notification burden on community water systems.

- ***Is there any level of violation (i.e. a temporary exceedance of less than 1 part per billion above the standard) that would be a de minimis public health risk?***

The Safe Drinking Water Act requires the EPA to establish Maximum Contaminant Levels (MCL) for regulated drinking water contaminants that are both protective of human health and can be achieved using the best available technology. These statutory requirements do not allow for consideration of a de minimis public health risk above the MCL.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Cathy Davis in the EPA's Office of Congressional and Intergovernmental Relations at Davis.CatherineM@epa.gov or 202-564-2703.

Sincerely,



Kenneth J. Kopocis
Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 11 2015

Representative Pete Olson
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Olson:

Thank you for your May 27, 2015, letter regarding the U.S. Environmental Protection Agency's use of Social Media. I want to assure you that the EPA's use of social media in no way violates the Anti-Lobbying Act. Rather, the EPA's use of social media in its outreach and engagement is not unique, and is well grounded in federal law and executive branch directives. It is also appropriately supported and bounded by internal EPA guidance and policies.

The E-Government Act of 2002 recognized the importance of promoting the "use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government."¹ Section 206 of that law, entitled "REGULATORY AGENCIES," lays out two purposes: to "(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and (2) enhance public participation in Government by electronic means, consistent with requirements under...the Administrative Procedures Act."²

President Obama's memo on Transparency and Open Government encourages federal agencies to use new technologies to communicate with and engage with the public.³ The Office of Management and Budget Directive that followed amplified the importance of reaching out to the public, and tasked federal agencies to "promote informed participation by the public," and "proactively use modern technology to disseminate useful information."⁴

The effective and appropriate use of social media to reach the public has been one piece of the EPA's effort to increase transparency and promote participation in rulemaking. The 2011 EPA Social Media Policy established that "it is EPA's policy to use social media where appropriate in order to meet its

¹ Pub. L. No. 347-107, 116 Stat. 2901.

² Pub. L. No. 347-107, 116 Stat. 2915.

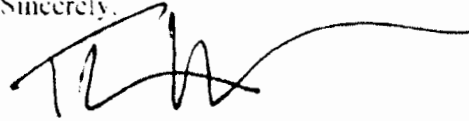
³ See *Transparency and Open Government* (Jan. 21, 2009), at: www.whitehouse.gov/the_press_office/Transparency_and_Open_Government.

⁴ See *Open Government Directive* (December 8, 2009), at: www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf.



Thank you again for your letter. If you have questions, please contact me or have your staff contact Tom Dickerson in our Office of Congressional and Intergovernmental Relations at dickerson.tom@epa.gov or (202) 564-3638.

Sincerely,

A handwritten signature in black ink, appearing to read 'TR', with a long, sweeping horizontal line extending to the right.

Thomas Reynolds
Associate Administrator
Office of Public Affairs

Enclosures

1. EPA Social Media Policy, Classification No. CIO 2184.0 (June 20, 2011).
2. Using Social Media to Communicate with the Public, Classification No. CIO 2184.0-P02.1 (June 20, 2011).
3. Memorandum from General Counsel Scott Fulton, *Guidance on Indirect Lobbying* (February 2, 2010).

PETE OLSON
2220 DePaul, Dallas, TX 75241

2100 Rayburn House Office Building
Washington, DC 20515
(202) 225-5954

1650 Hargrave G
Suite 150
Sugar Land, TX 77478
(281) 494-7000

6502 West Broadway Suite 1
Suite 270
Houston, TX 77057
(281) 486-4355

2200 Georgia Center Drive
Suite 151
Killeen, TX 76789
(817) 321-0000 (ext 101)



Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON
ENERGY AND COMMERCE
Vice Chair
SUBCOMMITTEE ON ENERGY AND POWER
SUBCOMMITTEE ON COMMERCE,
MANUFACTURING, AND TRADE
SUBCOMMITTEE ON
COMMUNICATIONS AND TECHNOLOGY

May 27, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Administrator McCarthy,

As you are aware, there have been reports^[1] recently regarding the Environmental Protection Agency's use of social media to solicit public support during the rulemaking process for controversial regulatory initiatives. In fact, concerns have been raised that the Agency's efforts go far beyond providing the public with information and reflect agency media campaigns that are not an appropriate part of the federal rulemaking process. Given the critical importance of a transparent, neutral and objective rulemaking process under the Administrative Procedures Act, I find the reports about EPA's actions troubling. This is especially a concern given that the example provided; the Waters of the United States rule is among the more controversial actions the EPA has undertaken in recent years.

In light of these issues, I respectfully request that you answer the following questions:

- What directives has the Agency provided to employees regarding the use of social media generally?
- Who within the EPA is ultimately responsible for approving or denying use of social media relating to significant rulemakings?
- For which rules or proposed Agency actions has the EPA used social media to solicit public support? Please identify all such rulemakings or proposed actions. (i.e. multiple postings regarding the benefits of an action).
- What was the intended result of these postings?
- Has the Agency or any Agency staff explicitly encouraged the public to comment in the official docket on the benefits of any rule in the last six years?

^[1] Lipton, Eric, and Coral Davenport. "Critics Hear E.P.A.'s Voice in 'Public Comments'." *The New York Times*, 18 May 2015. <http://www.nytimes.com/2015/05/19/us/critics-hear-epas-voice-in-public-comments.html>. 21 May 2015

- Has the Agency or any Agency staff explicitly encouraged the public to express support for an Agency action to elected officials of the legislative branch?
- What policies or procedures are in place to ensure that the Agency complies with prohibitions against grass roots lobbying?

I look forward to your prompt and substantive responses on this matter.

Very respectfully,

A handwritten signature in black ink, appearing to read "Pete Olson", written over a horizontal line.

Pete Olson
Member of Congress

AL-15-000-7800

MARIA CANTWELL
WASHINGTON

COMMITTEES:
COMMERCE, SCIENCE, AND
TRANSPORTATION
ENERGY AND NATURAL
RESOURCES
INDIAN AFFAIRS
SMALL BUSINESS

717 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-4705
(202) 224-3441
FAX: (202) 228-0514

United States Senate

WASHINGTON, DC 20510-4705

April 14, 2015

Ms. Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 3426 ARN
Washington, D.C. 20460-0001

Dear Laura,

My constituent, *exempt*, has contacted my office for assistance with an issue within your jurisdiction. The following document(s) provide an explanation of my constituent's concerns. I would appreciate your prompt attention to this matter, and I look forward to your response.

Please direct your response to Bryan Raines in my Spokane Office. Bryan Raines can be reached as follows:

Bryan Raines
920 West Riverside Avenue
Spokane, WA 99201
Phone: (509) 353-2507
Fax: (509) 353-2547
bryan_raines@cantwell.senate.gov

If you need any additional information, please do not hesitate to contact my office. Thank you for your assistance in this matter.

Sincerely,



Maria Cantwell
United States Senator

MC: BR

PLEASE REPLY TO:

U.S. FEDERAL COURTHOUSE
WEST 920 RIVERSIDE, SUITE 607
SPOKANE, WA 99201
(509) 353-2807
FAX: (509) 353-2847

JACKSON FEDERAL BUILDING
915 2ND AVENUE, SUITE 3208
SEATTLE, WA 98174-1003
(206) 220-6400
TOLL FREE: 1-888-648-7328
FAX: (206) 220-6404

MARSHALL HOUSE
1313 OFFICERS' ROW
FIRST FLOOR
VANCOUVER, WA 98001
(360) 898-7838
FAX: (360) 898-7844

825 JADWIN AVENUE
G-5B-A
RICHLAND, WA 99352
(509) 948-8108
FAX: (509) 948-8377

2030 WETMORE AVENUE
SUITE 98
EVERETT, WA 98201
(425) 303-0114
FAX: (425) 303-0381

950 PACIFIC AVENUE
8TH FLOOR
TACOMA, WA 98402
(253) 672-2281
FAX: (253) 672-6870

MARIA CANTWELL
WASHINGTON

United States Senate

WASHINGTON, DC 20510-4705

COMMITTEES
COMMERCE, SCIENCE, AND
TRANSPORTATION
ENERGY AND NATURAL
RESOURCES
FINANCE
INDIAN AFFAIRS
SMALL BUSINESS

The Privacy Act of 1974 is a Federal law designed to protect you from unauthorized use and exchange of personal information by Federal agencies. Any information that a Federal Agency has on file regarding your dealings with the United States government may not, with a few exceptions, be given to another agency or to a Senator or Member of Congress without your written permission.

PLEASE DESCRIBE THE SITUATION WITH WHICH YOU ARE REQUESTING ASSISTANCE

1. Failure by the U.S. Environmental Protection Agency to respond to my numerous requests to resolve an erroneous debt.
2. The debt (Q28702885380) was created in October 2014 by the Department of the Interior, who handled EPA's payroll at that time, based on a corrected time sheets for pay period 201419. During the time in question, I was using EPA's Leave Bank and the figures and information DOI provided to support the claim were totally incorrect.
3. In October, DOI informed me that the collection had been transferred to *exempt* at EPA's headquarters for collection (Bill #15P032).
4. Since October I have attempted to get resolution to this debt, but no one from HQ or Finance Department has contacted me.
5. Attached is a timeline of my efforts.

I hereby request the assistance of the Office of United States Senator Maria Cantwell in resolving the matter described above and authorize Senator Cantwell and her staff to receive any information which they might need in order to provide this assistance.

DATE: 03/25/2015

SIGNED: *exempt*NAME: *exempt*EMAIL: *exempt*ADDRESS: *exempt*

CITY: Federal Way

STATE: WA

ZIP: 98023

DAY PHONE: *exempt*EVENING PHONE: *exempt*SSN: *exempt*DOB: *exempt*ALIEN ID #: *exempt*

OTHER CLAIM #:

EMERY
200 West 1st Avenue
Seattle, WA 98101
Phone: 206-462-1111
Fax: 206-462-1111

RICHLAND
P.O. Box 1000
Richland, WA 99354
Phone: 509-928-1111
Fax: 509-928-1111

SEATTLE
200 West 1st Avenue
Seattle, WA 98101
Phone: 206-462-1111
Fax: 206-462-1111

SPokane
1000 N. Washington
Spokane, WA 99201
Phone: 509-325-1111
Fax: 509-325-1111

TACOMA
200 Pacific Avenue
Tacoma, WA 98402
Phone: 253-272-1111
Fax: 253-272-1111

VANCOUVER
2000 West 1st Avenue
Vancouver, WA 98661
Phone: 360-582-1111
Fax: 360-582-1111

WASHINGTON, DC
310 West Senate Office Building
Washington, DC 20510-4705
Phone: 202-224-3441
Fax: 202-224-3441

Request for assistance on behalf of

exempt

Enclosed are my e-mails, timesheets and letters regarding the approval to use EPA's leave bank and the debt notices (monthly).

I can also provide my Leave and Earning Statements should you need them.

Please be aware that I was out of the office for a family medical emergency starting approximately August 6, 2014 and subsequently retired from the EPA on September 30, 2014.



10/14/2014

United States Department of the Interior

OFFICE OF THE SECRETARY
Interior Business Center
Payroll Operations Division
PO Box 272030
Denver, Colorado 80227-9030



Exempt

BILL FOR COLLECTION
DEBT ID: Q2870268580

Subject: Pay Adjustment

This is to notify you that we will make a deduction of up to 15 percent of your disposable pay* beginning next pay period 201422 to satisfy a debt. The debt was the result of a time sheet correction submitted by your agency for pay periods(s) 201419.

If you believe you had no reason to recognize that you incurred this debt, and that collection would be against equity and good conscience, you may apply for a waiver of repayment of this bill. Your request must explain the circumstances of the overpayment to the best of your knowledge, and must tell what steps you took, if any, to bring the matter to the attention of the appropriate official and the agency's response. Please include the following on your request:

1. Your name, daytime phone number, e-mail address, mailing address and signature;
2. The bill number and the amount of the debt;
3. The reason for requesting a waiver;
4. Copies of all supporting documentation for the indebtedness. Examples applicable SF-50's for personnel related indebtedness; Federal Employees Health Benefit election form for health indebtedness; and Federal Employees Group Life Insurance election form and SF-50's for life insurance indebtedness;
5. Please send your request to:

ENVIRONMENTAL PROTECTION AGENCY

Richard Feldman
1200 Pennsylvania Ave NW
Mail Stop 2399A
Washington, DC 20460-0001

Please submit a copy of your waiver request to this office so that we can suspend collection actions. Mail the copy to:

DOI - Interior Business Center
Payroll Operations Division
Attn: Debt Management Branch D-2640
P.O. Box 272030
Denver, CO 80227-9030

If this bill is not paid in total by the end of this calendar year, the unpaid amount will be included on your W2 as taxable income for this tax year.

Collection will be made under the authority of the Debt Collection Improvement Act of 1996. The Debt Collection Improvement Act exempts the requirements of due process prior to offset if the overpayments are "routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less."

If you have questions concerning the specifics of the debt, please contact Matt Neyer of the Debt Management Branch at 303-969-6630 or matthew_neyer@ibc.doi.gov.

*Disposable pay, for this purpose, is defined as your biweekly gross pay less deductions required by law (retirement, thrift savings plan, federal, state, local taxes, Medicare, OASDI, regular life insurance, and health benefit premium) and any other debt owed to the United States Government.

Attachment

As indicated in the bill, you were overpaid in the pay periods indicated below. The information below lists the pay codes and amounts, which were part of the overpayment. The total gross overpayment is listed. The net amount you must repay is the gross overpayment minus any amount that can be recovered from another entity (such as Medicare).

Adjustment Pay Code	Processing Pay Period	Effective Pay Period	Time	Amount
REGULAR	201421	201419	-34.15	\$1,736.48
ANN LEAVE USED	201421	201419	-4.00	\$202.80
SICK LEAVE - USED	201421	201419	-2.00	\$101.40
HOLIDAY - NOT WORKED	201421	201419		\$0.00
CREDIT HOURS - USED	201421	201419		\$0.00
TIME OFF AWARD - USED	201421	201419		\$0.00
LV BK-SELF MEDICAL USED	201421	201419	34.15	-\$1,736.48
Total Gross Pay Adjustments:				\$304.20
Less Applicable Recoverables:				
Federal Withholding:				-\$21.77
State Withholding:				\$0.00
Local Withholding:				\$0.00
Medicare:				-\$4.41
OASDI:				-\$18.86
Retirement:				-\$2.43
TSP:				-\$45.63
Net to be Paid by Employee:				\$211.10



United States Department of the Interior

OFFICE OF THE SECRETARY
Interior Business Center
Payroll Operations Division
PO Box 272030
Denver, Colorado 80227-9030



10/14/2014 Reprint

*exempt
exempt*

Bill for Collection: Q2870268580

Bill Date: 10/14/2014

Your debt in the amount of 211.10 has been transferred 11/10/2014. Responsibility for collection of this debt has been transferred to:

ENVIRONMENTAL PROTECTION AGENCY

Leonice Stewart
1200 Pennsylvania Ave NW
MC 2734R
Washington, DC 20460-0001

You will be receiving a new bill from that office. Please contact them with any questions regarding the debt. Do not make payments to the Interior Business Center. If you make payment prior to receiving further notice from your employer, please make your check payable to your employer not the Department of the Interior.

BILL FOR COLLECTION	BILL NO. 15P032
BUREAU/OFFICE FOR REMITTANCE PAYABLE U.S. ENVIRONMENTAL PROTECTION AGENCY WASHINGTON HEADQUARTERS	DATE 12/11/14
ADDRESS FOR MAILING PAYMENT USEPA- FINANCIAL SERVICES DIVISION OFFICE OF FINANCIAL SERVICES P.O. BOX 979075 ST. LOUIS, MO 63197-9000	AMOUNT OF PAYMENT \$211.10

PAYER

Exempt
Exempt

DESCRIPTION

Exempt

AMOUNT

Our records indicate that you separated from the Agency on September 6, 2014. After separation, you received payment for 4 hrs of annual leave and 2 hrs of sick leave used for the pay period ending September 6, 2014, and as a result, a bill has been established.

\$211.10

This overpayment, in the amount of \$211.10, represents your net indebtedness to the Agency. If the net repayment of \$211.10, is not received by December 27, 2014, you will be responsible for repaying the gross amount of \$304.20. The gross amount of your overpayment includes taxes, benefits and other deductions that the Agency will be unable to recoup on your behalf after December 27, 2014.

According to the Agency debt collection procedures and to avoid additional charges, payment must be received within 30 days from the bill date. If payment is not received, interest will accrue on the amount due at 1% per annum through the date of payment. A late payment handling charge of \$15.00 will be imposed after 30 days with an additional charge of \$15.00 for each subsequent 30 day period. A 6% per annum penalty will be applied on any amount not paid within 90 days of the due date.

Repayment may be made by sending a check payable to the Agency at the address above.

You may request the following regarding your debt:

- * To inspect and copy the records relating to the debt.
- * To dispute the validity or amount of the debt by requesting a hearing pursuant to the salary offset provisions at 5 CFR § 550.1104(e), and 40 CFR § 13.22(d). The hearing request should be forwarded to the Office of Financial Services who will be responsible for scheduling the hearing.
- * To enter into a written agreement for a repayment schedule subject to approval by the Office of Financial Services.
- * To request that the debt be compromised or terminated by the Office of Financial Services' Financial Management Officer in accordance with the Agency Management Directives and the standards set forth at 40 CFR § 13.25 and 13.32.
- * To request a waiver of claim for salary overpayment under 5 USC § 5584 and 40 CFR § 13.22(g). This request is made through your Human Resources Officer. The Human Resources Officer will forward the request for waiver to the Director, Office of Financial Services (2734R) for processing.

If you have any questions or wish to pursue a course of action as stated above, you must notify Leonice Stewart via e-mail (stewart.leonice@epa.gov) in writing within 30 days from the date of this notice.

IMPORTANT: A receipt will be issued for all cash remittances and for all other remittances when required by applicable procedures. Failure to receive a receipt for cash payment should be promptly reported to the bureau/office shown above.	AMOUNT DUE	\$211.10

EPA Form 2505-4 (9-73) REPLACES FORM D1-1040 WHICH IS OBSOLETE.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 2015

Dear *Exempt 6*

OFFICE OF
CHIEF FINANCIAL OFFICER

Our records indicate your account has been outstanding for more than 30 days and is delinquent. As indicated in your previous bill, number 152015P032 you are indebted to the Environmental Protection Agency for \$319.45 for an overpayment. Please keep in mind you are now responsible for repaying the adjusted amount of \$304.20 plus any accrued fees. The first notification of your debt to the Agency was sent via regular mail on 12/11/14. This amount may include interest, handling and penalty charges. Please mail your check or money order payable to:

US EPA Financial Services Division
Office of Financial Services
Miscellaneous Fees
P. O. Box 979075
St. Louis, MO 63197-9000

Please reference the bill number above. A summary of the amount due is shown below:

Account Description Bill Number	Overpayment 152015P032
Principle Amount	304.20
Interest Charge	0.25
Handling Charge	15.00
Penalty Charge	0.00
Amount now due	319.45

Please note that delinquent debt may also be referred to the Department of Treasury for collection action. The Department of Treasury will assess additional servicing fee to the amount of a referred debt. The Department of Treasury may also report debts to credit reporting agencies, refer debts to collection agencies, and offset the amount from Federal payments to the debtor and take other actions deemed necessary to collect the funds.

If you have any questions regarding this notice, please contact *Exempt 6*

Sincerely,

Adam Fett

Adam Fett, Acting Section Chief
Payroll Accounting and Outreach Section
Office of Financial Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 14 2015

15

exempt
exempt

OFFICE OF
CHIEF FINANCIAL OFFICER

Our records indicate your account has been outstanding for more than 60 days and is delinquent. As indicated in your previous bill, number 152015P032 you are indebted to the Environmental Protection Agency for \$334.70 for an overpayment. The first notification of your debt to the Agency was sent via regular mail on 12/11/14. This amount may include interest, handling and penalty charges. Please mail your check or money order payable to:

US EPA Financial Services Division
Office of Financial Services
Miscellaneous Fees
P. O. Box 979075
St. Louis, MO 63197-9000

Please reference the bill number above. A summary of the amount due is shown below:

Account Description	Overpayment
Bill Number	152015P032
Principle Amount	304.20
Interest Charge	0.50
Handling Charge	30.00
Penalty Charge	0.00
Amount now due	334.70

Please note that delinquent debt may also be referred to the Department of Treasury for collection action. The Department of Treasury will assess additional servicing fee to the amount of a referred debt. The Department of Treasury may also report debts to credit reporting agencies, refer debts to collection agencies, and offset the amount from Federal payments to the debtor and take other actions deemed necessary to collect the funds.

If you have any questions regarding this notice, please contact Leonice Stewart on (202) 564-4812 or email at Stewart.Leonice@EPA.gov.

Sincerely,

*email
L+H 2/25*

Adam Pett
Adam Pett, Acting Section Chief
Payroll Accounting and Outreach Section
Office of Financial Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 17 2015

exempt
exempt

OFFICE OF
CHIEF FINANCIAL OFFICER

The U.S. Environmental Protection Agency holds a delinquent debt for which you are responsible. The purpose of this letter is to not only request payment, but to advise you of the various debt collection procedures that EPA may use to collect this debt and your rights should payment not be received within 30 days of receipt of this letter.

The Debt

The amount of your debt is \$349.95 and it is still outstanding. You are strongly urged to make payment immediately referencing Account 152014P032 on your check or money order and mailing it to the following address:

US EPA Financial Services Division
Office of Financial Services
Miscellaneous Fees
P. O. Box 979075
St. Louis, MO 63197-9000

You may also enter into a repayment agreement, if you wish, by contacting Leonice Stewart via e-mail at Stewart.L Leonice@EPA.gov.

Collection Procedures

The Deficit Reduction Act of 1984 and its amendments authorized the Internal Revenue Service (IRS) in 1994 to deduct government debts such as yours from tax refunds (refund offset). In addition, the Debt Collection Improvement Act of 1996 authorizes government agencies to refer to delinquent debts to the Department of Treasury's Financial Management Service (FMS) for Cross-Servicing as a means of collection. This ACT also authorizes FMS to use other collection tools such as having government agencies serve as debt collection centers, contracting with private collection contractors and using the Department of Justice for litigation.

Your Rights

If you filed for bankruptcy, are married filing a joint income tax return or feel that this debt is not past due or legally enforceable, you should note the following:

- If you have filed for bankruptcy and an automatic stay of bankruptcy is in effect, you are not subject to the refund offset while the automatic stay remains in effect. To be exempt from this offset, you must provide a proof of bankruptcy to this office at the address indicated above.

- If you are married, filing a joint income tax return and you incurred this debt separately from your spouse, who has no legal responsibility for this debt and who has income and withholding and/or estimated tax payments, he or she may be entitled to receive his or her portion of the joint refund. You should contact the IRS before filing your return regarding the steps to take to protect the share of the refund which may be payable to your non-obligated spouse.
- If you object to this collection action or believe that this debt is not past due or not legally enforceable, you may request to inspect the Agency's records or request a review. However, you must do so, in writing via email, within 60 days from the date of this notice. Your requests should be addressed stewart.leonice@epa.gov. After a determination is made, you will be notified of our decision.
- To request that the debt be compromised or terminated by the Office of Financial Services' Acting Payroll Management & Outreach Staff Director, Sherri' L. Anthony, in accordance with the Agency Management Directives and the standards set forth at 40 CFR § 13.25 and 13.32.
- To request a waiver of claim for salary overpayment under 5 USC § 5584 and 40 CFR § 13.22(g). This request is made through your Human Resources Officer. The Human Resources Officer will forward the request for waiver to the Director, Office of Financial Services (2734R) for processing.

Your immediate attention to this serious matter will be greatly appreciated. If you have any questions regarding this notice, please contact Leonice Stewart on (202) 564-4812 or e-mail at Stewart.Leonice@EPA.gov.

Sincerely,


Sherri' L. Anthony, Acting Staff Director,
Payroll Management & Outreach Staff
Office of Financial Services

From:
Sent:
To:
Cc:
Subject:

Friday, September 12, 2014 11:07 AM

RE: Leave bank approval for

Thank!

From:

Sent: Friday, September 12, 2014 11:06 AM

To:

Cc:

Subject: Leave bank approval for

EMAIL LEAVE BANK DECISION NOTIFICATION TO RECIPIENT, SUPERVISOR, TIME KEEPER and COORDINATOR

FROM: Leave Bank Board

has been approved as a recipient of paid leave through EPA's Leave Bank Program.

The employee has been approved for 216 hours from the EPA Leave Bank. these hours have been processed in DFAS and People Plus and is available for use. This leave can be used retroactively back to pay period beginning 08-24-14. The TRC code for reporting this leave is LVBUS. Leave bank hours are only authorized during the time of the medical Emergency, August 25, 2014 to September 30, 2014.

NOTE TO SUPERVISOR: An employee must be facing at least 24 hours in pay period in order to qualify to use the leave bank hours, the approval of these hours was based on the employee facing at least 24 hours in a pay period.

The employee is authorized to use the approved leave bank hours consecutively to July 21, 2013. Medical documentation does not state intermittent use of these hours.

Please note that if required an employee receiving leave bank hours must request the use of this leave the same as any other leave by submitting a SF71, Request for Leave or Approved Absence, and that the Supervisor make the final determination about the use of leave granted by the EPA Leave Bank

All correction timecards must be completed within 60 days from the issuance of this notification or the Leave Bank Hours will be forfeited and returned to the Bank.

As a Leave Bank recipient, the employee is only authorized to use Leave Bank hours during the dates provided above and for the purpose provided on the medical certification. It is equally important that the employee notify *exempt*, via email of their return to duty. Any use of approved hours beyond the expired medical date and for other than the stated purpose in the medical documentation is unauthorized and will result in LWOP.

If you have questions or concerns, please contact me on

exempt



United States Department of the Interior

OFFICE OF THE SECRETARY
Interior Business Center
Payroll Operations Division
PO Box 272030
Denver, Colorado 80227-9030



10/14/2014

*exempt
exempt*

BILL FOR COLLECTION
DEBT ID: Q2870268580

Subject: Pay Adjustment

This is to notify you that we will make a deduction of up to 15 percent of your disposable pay* beginning next pay period 201422 to satisfy a debt. The debt was the result of a time sheet correction submitted by your agency for pay periods(s) 201419.

If you believe you had no reason to recognize that you incurred this debt, and that collection would be against equity and good conscience, you may apply for a waiver of repayment of this bill. Your request must explain the circumstances of the overpayment to the best of your knowledge, and must tell what steps you took, if any, to bring the matter to the attention of the appropriate official and the agency's response. Please include the following on your request:

1. Your name, daytime phone number, e-mail address, mailing address and signature;
2. The bill number and the amount of the debt;
3. The reason for requesting a waiver;
4. Copies of all supporting documentation for the indebtedness. Examples applicable SF-50's for personnel related indebtedness; Federal Employees Health Benefit election form for health indebtedness; and Federal Employees Group Life Insurance election form and SF-50's for life insurance indebtedness;
5. Please send your request to:

ENVIRONMENTAL PROTECTION AGENCY

Richard Feldman
1200 Pennsylvania Ave NW
Mail Stop 2399A
Washington, DC 20460-0001

Please submit a copy of your waiver request to this office so that we can suspend collection actions. Mail the copy to:

**DOI - Interior Business Center
Payroll Operations Division
Attn: Debt Management Branch D-2640
P.O. Box 272030
Denver, CO 80227-9030**

If this bill is not paid in total by the end of this calendar year, the unpaid amount will be included on your W2 as taxable income for this tax year.

Collection will be made under the authority of the Debt Collection Improvement Act of 1996. The Debt Collection Improvement Act exempts the requirements of due process prior to offset if the overpayments are "routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less."

If you have questions concerning the specifics of the debt, please contact Matt Neyer of the Debt Management Branch at 303-969-6630 or matthew_neyer@ibc.doi.gov.

***Disposable pay, for this purpose, is defined as your biweekly gross pay less deductions required by law (retirement, thrift savings plan, federal, state, local taxes, Medicare, OASDI, regular life insurance, and health benefit premium) and any other debt owed to the United States Government.**

Attachment

As indicated in the bill, you were overpaid in the pay periods indicated below. The information below lists the pay codes and amounts, which were part of the overpayment. The total gross overpayment is listed. The net amount you must repay is the gross overpayment minus any amount that can be recovered from another entity (such as Medicare).

Adjustment Pay Code	Processing Pay Period	Effective Pay Period	Time	Amount
REGULAR	201421	201419	-34.15	\$1,736.48
ANN LEAVE USED	201421	201419	-4.00	\$202.80
SICK LEAVE - USED	201421	201419	-2.00	\$101.40
HOLIDAY - NOT WORKED	201421	201419		\$0.00
CREDIT HOURS - USED	201421	201419		\$0.00
TIME OFF AWARD - USED	201421	201419		\$0.00
LV BK-SELF MEDICAL USED	201421	201419	34.15	-\$1,736.48
Total Gross Pay Adjustments:				\$304.20
Less Applicable Recoverables:				
Federal Withholding:				-\$21.77
State Withholding:				\$0.00
Local Withholding:				\$0.00
Medicare:				-\$4.41
OASDI:				-\$18.86
Retirement:				-\$2.43
TSP:				-\$45.63
Net to be Paid by Employee:				\$211.10

93.10

From: [REDACTED]
Subject: RE: [REDACTED] PRA for pay period 10
Date: October 20, 2014 9:39:00 AM PDT
To: [REDACTED]
Cc: [REDACTED]

exempt b

exempt b

Okay, that sounds like exactly what another employee is dealing with.

Can we get a copy of the notice?

exempt b

exempt b

Subject: RE: [REDACTED] PRA for pay period 10

Yes, it was a collection notice. We didn't use Leave Bank hours until we got official notice that it was available and what dates it was available.

exempt b
exempt b

exempt b
exempt b

exempt b

on whether there was a collection notice or just an email from HR/Payroll. If it had been awarded Leave Bank hours that are recorded below but not registering, that is the style of
I'd say start a label so we have an incident number, and then I have something to refer to with the CFO group.

My 6:
501 316 1-2-3

exempt b

exempt b

Was this a debt collection notice? If so, this needs to go to HR for resolution. There have been several issues with people getting these notices related to Leave Bank.

exempt b

Do you have a process for handling the Leave Bank debt collection notices or does this just go straight to HR/Payroll?

Thank.

exempt b

exempt b

exempt b

exempt b

exempt b

The Dept of Interior is saying that they will deduct \$211 from [REDACTED] final pay because of this pay period. Is there anything we can do to prevent this from happening???

— 100 —

From: *exemptb*
Subject: RE: People Plus information
Date: October 23, 2014 1:09:22 PM PDT
To: "S"
Cc: *exemptb*

Wait on a resolution for now; the deadline isn't until the end of year for payment, and OCFO is aware that it's likely a Leave Bank accounting problem. I discussed the problem with *exemptb* in OCFO earlier this week and she needed some time to look over it before responding. I have a note in with her for an update today.

exemptb

F *exemptb*
Sent: Thursday, October 23, 2014 12:55 PM

exemptb

Subject: RE: People Plus information

So....what is *exemptb* supposed to do with the "Bill" she received from the Dept. of Interior?

exemptb

ORC-158
Seattle, WA 98101
exemptb

... *exemptb*

Sent: Thursday, October 23, 2014 12:46 PM

To: *exempt b*

Subject: RE: People Plus information

We're at the point, actually, that we're talking directly with OCFO about everything. *exempt b* it's something that's unique to this summer and some database problems: Headquarters/the Leave Bank Board thinks they've granted the leave, but somehow it hasn't all taken in the system *exempt b* monitors the Leave Bank program and will likely be working with OCFO on *exempt b* issue as soon as they can finalize another employee's dilemma.

exempt b

From: *exempt b*

Sent: Thursday, October 23, 2014 10:47 AM

To:

Cc: *exempt b*

Subject: RE: People Plus information

OCFO and HR are aware of the issue and they are working on it. It isn't a retirement issue it's a Leave Bank issue.

We have had at least one other person who wasn't retiring and had received a debt collection notice from IBC for the Leave Bank hours she used.

If you have any other employees who have received this notice please let *exempt b* *exempt b* now about it. She has been handling these with the SCCLV.

Thanks,

- *exempt b*

OMP-213

Seattle, WA 98101

exempt b

Fax:206-553-0149

From *exemptb*
Sent: Thursday, October 23, 2014 10:38 AM
To: *exemptb*
Subject: RE: People Plus Information

There seems to be a problem with people using Leave Bank hours and then retiring. People get a letter stating that they will have money withdrawn from their last pay check. What can we do to stop this misunderstanding?

exemptb
exemptb
exemptb

From *exemptb*
Sent: Thursday, October 23, 2014 10:09 AM
To: R10-Timekeepers Mail Group
Cc: *exemptb*
Subject: People Plus Information

Hi all,

I am considering some brown bag sessions to help answer questions that you and other members or your staff have about PeoplePlus. In putting these sessions together I would like to know what information would be the most useful to you. Please consider the questions below and give me any other feedback that would help me put together any training or other resources that would be helpful.

- Would brown bag sessions be useful to you, your manager or other staff members?

- What are the questions that you are being asked frequently that I could help with?
- Would it be useful to post FAQs and answers on the InfoPage?
- What topics should I cover in the BB sessions? Closeout times and dates? Special Pay Issues? Roles and Responsibilities in PPL? Etc....
- Since HRLOB is now the system that encompasses Human Resources, Payroll and Timekeeping, (FPPS, PeoplePlus, Employee Express, Datamart) would it be helpful to have combined BB sessions with Finance and HR to answer your questions?

Please send me any feedback you have by Monday, Nov 3rd.

exempt

exempt

OMP-213

Seattle, WA 98101

exempt

From: *exempt*
Subject: RE: Summary of Debt Collection/Leave Bank issues
Date: December 16, 2014 1:38:52 PM PST
To: *exempt*

I know. I just want to be as clear as possible so they don't come back for more proof or some runaround that they are confused.

Documentation that awarded you the leave should be sufficient- OCFO/IBC should know where you tried to take it since they have access to PP+ records. If you could provide a listing just for their reference so they could check it (here are the days I tried to take the awarded leave)- that might help the a bit.

-----Original Message-----

From: *exempt*
Sent: Tuesday, December 16, 2014 1:37 PM
To:
Subject: Re: Summary of Debt Collection/Leave Bank issues

Do you need all the supporting documentation attached? I hope not! Boy, this hasn't been fun; dredging up all sorts of bad memories.
Thanks for your help.

On Dec 16, 2014, at 12:53 PM,

exempt

I think all the OCFO and IBC can expect from you at this point is a summary of 'here is what I did, which I was told to do, here is proof I was granted the time, and if you see my records, I took it here, here, here, and that should have been the end of the story'.

What a pain. You're not alone, this already happened to *exempt*
Someone high up at OCFO made the executive decision that they wouldn't send corrections to IBC for awhile because they were backlogged, but it somehow didn't occur to them that in a minority of cases it would have real repercussions in terms of collection notices.

-----Original Message-----

From: *exempt b*
Sent: Tuesday, December 16, 2014 12:47 PM
To: *exempt b*
Subject: Summary of Debt Collection/Leave Bank Issues

exempt b I'm working on this and will have something to you tomorrow. Let me know how detailed it needs to be....I'm currently just hitting the high points.
Thanks

exempt b
exempt b

December 16, 2014

To: *Exempt*, EPA Region 10
From: *Exempt*

Re: Leave Bank Issues and EPA Bill for Collection 15P032

An application for Leave Bank was filed on August 26, 2014, with a letter from *Exempt*, stating that I was suffering from acute depression and unable to concentrate for an extended period of time. This application was forwarded to EPA HQ on September 2, 2014. This application was accepted September 12, 2014. An e-mail from *Exempt* stated that I became eligible for using leave bank hours starting on August 24, 2014.

My timesheet for PP19 shows that leave bank hours began being used August 28, 2014. Leave Bank hours were used until my retirement on September 30, 2014.

Debt Collection Proceedings:

In October, I received a Debt Collection Bill from Department of the Interior for \$211.10 for money received following my separation from the Agency. The bill gives my separation date as September 6, 2014. There are two incorrect assumptions in this DOI Debt Collection Bill. First, I did not separate from the Agency until September 30, 2014. Second, I was authorized to use leave bank hours starting August 24, 2014 as my annual and sick leave had run out.

Upon receipt of the Debt Collection Bill I contacted my timekeeper, *Exempt*, who coordinated with our PP+ Coordinator our HR liaison. On October 23, 2014, I was advised in a series of e-mails that OCFO and HR were aware of the Debt Collection process problem. *Exempt* advised that I wait pending further instructions. *Exempt* indicated she was working with *Exempt* in OCFO on the issue. As a result I did nothing further with the debt notice.

On November 10, 2014, I received a letter from DOI indicating the debt had been referred to EPA Headquarters. Based on earlier communications about the Agency's awareness of these issues, I did nothing.

Then, on December 14, 2014, I received a Bill for Collection from EPA's Bureau/Office for Remittance Payable in the amount of \$211.10. The Bill, 15P032, was dated December 11, 2014. The due date for this bill is December 27, 2014.

It appears that the incorrect assumptions made by DOI were just carried forward into the EPA Bill for Collection. Based on the Bill it appears that no communication occurred within the Agency about the issues related to Leave Bank and timekeeping.

On December 15, 2014, I contacted [redacted] that the Debt issue had not been resolved. [redacted] requested I prepare the above summary demonstrating that I was eligible for the Leave Bank during the timeframe the Debt supposedly occurred.

[redacted] advising them

I received another Debt Collection Letter in January. On January 26, 2015, [redacted] forwarded a copy of the letter to [redacted] requesting information on how to resolve this Debt. The message stated **The principle is based on an erroneous overpayment: the employee used Leave Bank hours granted by the Agency that the payroll system must not be accepting in error. There is now a handling charge associated with the account that should not have been generated.**

On February 24, 2015, following the receipt of another Debt Collection letter, I sent an e-mail directly to [redacted] I explained that the Debt was in error and explained who [redacted] should contact [redacted] to resolve this Debt. On the same date I sent [redacted] to advise her that the issue has not been addressed. I received an autoreply indicating that [redacted] was out of town until March 9th. Any issues should be sent to [redacted] to be addressed. I sent an e-mail to [redacted] and did not receive a reply.

On March 20, 2015 I received another Debt collection notice from EPA. It was a form letter and did not acknowledge any of my attempts to address this problem as described above. Meanwhile interest is accruing and my patience is running out.

From: *Exempt6*
 Subject: RE: Debt Collection Bill
 Date: December 16, 2014 8:28:53 AM PST
 To: *Exempt6*
 Cc: *Exempt6*

Exempt6
Exempt6 3"

Hi *Exempt6*

Do you have more information on the debt collection notice that was produced for *Exempt6*

See the conversation below. I'm assuming this is another debt that needs to be administratively cleared, and your advice would be greatly appreciated on the best way to go about that.

Exempt6 can you please forward Michael the debt collection notice that was attached to the email *Exempt6* sent you?

Thanks for your quick attention to this,

Exempt6
 U.S. Environmental Protection Agency, Region 10
 Human Resources Unit

Exempt6
Exempt6

-----Original Message-----

From:
 Sent: Tuesday, December 16, 2014 8:22 AM
 To: *Exempt6*
 Cc:
 Subject: RE: Debt Collection Bill

exempt Are you able to forward the attachment? I'm unsure of the context on this one.

Thanks,
exempt

exempt
USEPA Region 10
Office of Regional Counsel

exempt
Seattle, WA 98101

-----Original Message-----

From: *exempt*
Sent: Tuesday, December 16, 2014 7:51 AM
To: *exempt*
Cc: *exempt*
Subject: RE: Debt Collection Bill
Importance: High

Hello everyone,

I was under the same belief as *exempt* I thought this was all taken care of!
What do we need to do at this point to correct the problem?

exempt
Administrative Assistant / Management Analyst

exempt
Seattle, WA 98101

-----Original Message-----

From: *exempt*
Sent: Tuesday, December 16, 2014 7:46 AM
To: *exempt*

Subject: Debt Collection Bill

Good morning Ladies,

Yesterday I received a Debt Collection notice from *Exempt* in HQ for \$211.10. The document is attached. I thought that this had been worked out and *Exempt* was aware of the problem about the debt with DOI. I am wondering if you have any records that show I separated from the agency on Sept. 6, 2014. My understanding was that my leave bank kicked in by this time. My official retirement date was Sept. 30, 2014.

Please note the timeframe for this is really short (debt due 12/27/2014); I will contact *Exempt* myself if you think that is best.

Thank you,

From: *exemptb*
 Subject: RE: Debt Collection Bill
 Date: December 18, 2014 10:09:23 AM PST
 To: *exemptb*
 Cc: *exemptb*

4 Attachments 2.3 MB

exemptb
exemptb has separated and her timecard hours finalized. I believe her collection letter is based on a timecard that has been since corrected (that should have nullified the collection). See the screenshot of the PP+ entries from PP19 below. It does not match what is in the collection letter (first attachment).

Please let me know what you think. What is the best way to move forward?

Reported time on or before 10/18/2014 is for a prior period.

Error or Change time reporting data in the following table
 If additional lines for time entry are needed, press the "Add a New Line" pushbutton

Time Sheet														Total		Total		Total	
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Mon	Tue	Mon	Tue		
8:00	8:00	8:00												21.75	8:00	21.75	8:00		
			3:00											3.00	3:00	3.00	3:00		
								1:00						1.00	1:00	1.00	1:00		
				2:25	4:00				4:00	8:00	8:00	8:00		34.25	4:00	34.25	4:00		
			3:25	5:00					4:00					12.00	3:25	12.00	3:25		
Total Hours														Pending Total		Total Total			
0:00	8:00	8:00	8:00	8:00	8:00	0:00	0:00	8:00	8:00	8:00	8:00	8:00	8:00	80.00	80.00	80.00	80.00		
Attest and Submit?														Verify and Submit?		Time Card Locked			
Previous Period														Next Period					
Save																			

Thanks again for your consummate professionalism and hard work throughout this endeavor and others.

exemptb
 U.S. Environmental Protection Agency, Region 10
 Human Resources Unit

-----Original Message-----

From:
 Sent: Tuesday, December 16, 2014 8:52 AM
 To: *exemptb*
 Cc:

Subject: RE: Debt Collection Bill

exemptb could you summarize?

I don't want to confuse the issue. I thought the debt produced because you had entered Leave Bank hours in PP+ you had been awarded by the Leave Bank Board. However, the system did not recognize you had been awarded these hours and were entitled to take them, and thus the debt was produced because the system didn't realize those hours were yours to take.

exemptb

U.S. Environmental Protection Agency, Region 10 Human Resources Unit

exemptb

-----Original Message-----

From: *exemptb*
Sent: Tuesday, December 16, 2014 8:46 AM
To: *exemptb*
Cc: *exemptb*
Subject: RE: Debt Collection Bill

exemptb

When it says "she thought it had been worked out" who worked what out? According to *exemptb*, the debt is a valid debt.

Please advise if you know what was supposed to be worked out.

Thanks,

exemptb

Lead Financial Specialist
Payroll Management & Outreach Staff
Office of Financial Services
Office of the Chief Financial Officer

exemptb

-----Original Message-----

From: *exemptb*
Sent: Tuesday, December 16, 2014 11:29 AM
To: *exemptb*
Cc: *exemptb*
Subject: RE: Debt Collection Bill

exemptb

Do you have more information on the debt collection notice that was produced for: *exemptb*

See the conversation below. I'm assuming this is another debt that needs to be administratively cleared, and your advice would be greatly appreciated on the best way to go about that.

exemptb Can you please forward *exemptb* the debt collection notice that was attached to the email *exemptb* I sent you?

Thanks for your quick attention to this,

exemptb

U.S. Environmental Protection Agency, Region 10 Human Resources Unit

Exempt

-----Original Message-----
 From: A *Exempt*
 Sent: Tuesday, December 16, 2014 8:22 AM
 To: *Exempt*
 Cc: *Exempt*
 Subject: RE: Debt Collection Bill

Exempt Are you able to forward the attachment? I'm unsure of the context on this one.

Thanks,

Exempt

Acting Deputy Regional Counsel
 USEPA Region 10
 Office of Regional Counsel

Exempt

-----Original Message-----
 From: *Exempt*
 Sent: Tuesday, December 16, 2014 7:51 AM
 To: *Exempt*
 Cc: *Exempt*
 Subject: RE: Debt Collection Bill
 Importance: High

Hello everyone,

I was under the same belief. *Exempt* I thought this was all taken care of. What do we need to do at this point to correct the problem?

Exempt
 Administrative Assistant / Management Analyst

Exempt

Exempt

-----Original Message-----
 From: *Exempt*
 Sent: Tuesday, December 16, 2014 7:46 AM
 To: *Exempt*
 Subject: Debt Collection Bill

Good morning Ladies,
 Yesterday I received a Debt Collection notice from *Exempt* in HQ for \$211.10. The document is attached. I thought that this had been worked out and *Exempt* was aware of the problem about the debt with DOI. I am wondering if you have any records that show I separated from the agency on Sept. 6, 2014. My understanding was that my leave bank kicked in by this time. My official retirement date was Sept. 30, 2014.

104

24000000

[illegible]

Thank you,
-Jenny

Please note the timeframe for this is really short (debt due 12/27/2014); I will contact the lender myself if you think that is best.

From: *exempt*
Subject: RE: Summary of events for Leave Bank/Debt
Date: December 17, 2014 10:58:48 AM PST
To: *exempt*

1 Attachment, 1.5 MB

Hi again,

OK, so I'm looking over the debt collection letter and I can't say that I'm making perfect sense of it myself. It's alleging that PP19 is prompting the repayment- do you mind sending your timecard for that particular pay period? It's helpful to reference.

The reason I say that is when I look at the attachment, it seems to be saying that the AL and SL you had entered is being yanked back (4 hours AL and 2 hours SL) because it was removed from the timecard. Leave Bank was entered as a replacement for regular hours, but it also reads as if you deleted the ANNLV and SCKLV that you were previously claiming, which may be prompting them to take the money back (because only 34.15 hours for that pay period were accounted for).

Does that make sense? Again, looking at the PP+ you entered for PP19 will make that more clear.

exempt

-----Original Message-----

From: *exempt*
Sent: Wednesday, December 17, 2014 10:10 AM
To:
Subject: Re: Summary of events for Leave Bank/Debt

I'm comfortable with sharing that info.

exempt
On Dec 17, 2014, at 10:02 AM.

exempt

exempt

I can send this and the Leave Bank approval letter; the summary includes your medical condition- just a check that you're comfortable with more parties seeing that information than just myself. Let me know.

exempt

U.S. Environmental Protection Agency, Region 10 Human Resources Unit

exempt

exempt

-----Original Message-----

From:

exempt

Sent: Wednesday, December 17, 2014 9:40 AM

To:

exempt

Subject: Summary of events for Leave Bank/Debt

exempt I attached the summary you requested. I will also forward you the message containing the Leave Bank approval letter. Please let me know if I need to add anything else to this document.



exempt

From: *exempt*
Subject: RE: Debt collection letter
Date: January 26, 2015 9:30:43 AM PST
To: *exempt*
Cc: *exempt*

1 Attachment, 699 KB

Hello ' *exempt*

Please let me know what actions need to be taken to cancel this debt of a retired Region 10 employee, *exempt* (attached collection letter).

The principle is based on an erroneous overpayment: the employee used Leave Bank hours granted by the Agency that the payroll system must not be accepting in error. There is now a handling charge associated with the account that should not have been generated.

Thanks for your guidance on how a cancellation can be accomplished,

exempt
U.S. Environmental Protection Agency, Region 10
Human Resources Unit

-----Original Message-----

From: *exempt*
Sent: Monday, January 26, 2015 6:28 AM
To: *exempt*
Subject: Debt collection letter

Good morning Ladies,

It appears that the debt issue has not be resolved as I received the attached letter this weekend. Should I contact *exempt* directly and tell her that

you are working on this or leave it in your capable hands? Please let me know.
Thanks



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 2015

Dear 'exempt'

OFFICE OF
CHIEF FINANCIAL OFFICER

Our records indicate your account has been outstanding for more than 30 days and is delinquent. As indicated in your previous bill, number 152015P032 you are indebted to the Environmental Protection Agency for \$319.45 for an overpayment. Please keep in mind you are now responsible for repaying the adjusted amount of \$304.20 plus any accrued fees. The first notification of your debt to the Agency was sent via regular mail on 12/11/14. This amount may include interest, handling and penalty charges. Please mail your check or money order payable to:

US EPA Financial Services Division
Office of Financial Services
Miscellaneous Fees
P. O. Box 979075
St. Louis, MO 63197-9000

Please reference the bill number above. A summary of the amount due is shown below:

Account Description Bill Number	Overpayment 152015P032
Principle Amount	304.20
Interest Charge	0.25
Handling Charge	15.00
Penalty Charge	0.00
Amount now due	319.45

Please note that delinquent debt may also be referred to the Department of Treasury for collection action. The Department of Treasury will assess additional servicing fee to the amount of a referred debt. The Department of Treasury may also report debts to credit reporting agencies, refer debts to collection agencies, and offset the amount from Federal payments to the debtor and take other actions deemed necessary to collect the funds.

If you have any questions regarding this notice, please contact Leonice Stewart on (202) 564-4812 or email at Stewart.L Leonice@EPA.gov.

Sincerely,

Adam Felt, Acting Section Chief
Payroll Accounting and Outreach Section
Office of Financial Services

From: *exemptb*
Subject: FW: Another debt collection letter
Date: March 23, 2015 7:49:09 AM PDT
To: *exemptb*
Cc:

Hi *exemptb*

Would it be possible for *exemptb* to make an appointment with you to discuss the cancellation of a debt that she has determined is erroneous? She is one of our several Leave Bank participants this year that has experienced hardships utilizing the program.

exemptb, if you can share the documentation with *exemptb* showing the math as to leave that was awarded and used, I'm sure that will expedite the process.

exemptb
U.S. Environmental Protection Agency, Region 10
Human Resources Unit

exemptb
exemptb

-----Original Message-----

From: *exemptb*
Sent: Saturday, March 21, 2015 2:48 PM
To: *exemptb*
Subject: Another debt collection letter

exemptb, have you heard anything about resolving this issue? I received another debt letter with more interest added on. It is really unacceptable that this continues to go on without anyone from HQ responding. I appreciate all of your work on this issue.
Please let me know what if you have heard anything or have any other ideas about what I can do.

Thanks

From: *exemptb*
Subject: Overpayment #152015P32
Date: February 24, 2015 2:03:26 PM PST
To: *exemptb*
Cc:

exemptb I have been working with *exemptb* the Region 10 HR Liaison, to address this issue since I received the first notification. I am not aware that I owe the government anything as the time the supposed debt occurred I was on Leave Bank and subsequently left the agency. I would appreciate you working with *exemptb* to straighten this out as she has all the records of my time, the approval from the Leave Bank, etc. that should be necessary.

It appears that this supposed debt first occurred when DOI was handling EPA's payroll and I was told that they did not know how to address Leave Bank issues. Once it was transferred to EPA for collection, I contacted *exemptb* to get this addressed. I am uncertain why this hasn't been cleared up.

Sincerely,

exemptb

March 25, 2015

To:

From:

Re: Leave Bank Issues and EPA Bill for Collection 15P032
Sent via e-mail

This document outlines the actions I took to address this erroneous Debt Collection, following direction from *exempt6* R10 HR Liaison and the instructions in the Debt Collection letters from Department of the Interior and EPA. I have done everything requested, yet have not been able to get a resolution to this issue.

Leave Bank

I applied for the Leave Bank on August 26, 2014. The application included a letter from *exempt6* stating that I was suffering from acute depression and unable to concentrate for an extended period of time. This application was forwarded to EPA HQ on September 2, 2014. This application was accepted September 12, 2014. I received an e-mail from *exempt6* stated that I became eligible for using leave bank hours starting on August 24, 2014.

My corrected timesheet for PP19 shows that leave bank hours began being used August 28, 2014. Leave Bank hours were used until my retirement on September 30, 2014.

Debt Collection Proceedings:

In October, I received a Debt Collection Bill from Department of the Interior for \$211.10 for money received following my separation from the Agency. The attached explanation showed the supposed overpayments occurred in pay period 19 and were processed in pay period 21. None of this information matches any Leave and Earning Statements I have for pay periods 19 and 21.

The bill gives my separation date as September 6, 2014. There are two incorrect assumptions in this DOI Debt Collection Bill. First, I did not separate from the Agency until September 30, 2014. Second, I was authorized to use leave bank hours starting August 24, 2014 as my annual and sick leave had run out.

Upon receipt of the Debt Collection Bill I contacted my timekeeper who coordinated with our PP+ Coordinator, *exempt6* and *exempt6* our HR liaison. On October 23, 2014, I was advised in a series of e-mails that OCFO and HR were aware of the Debt Collection process problem. *exempt6* advised that I wait pending further instructions. *exempt6* indicated she was working with *exempt6* in OCFO on the issue. As a result I did nothing further with the debt notice.

On November 10, 2014, I received a letter from DOI indicating the debt had been referred to EPA Headquarters. Based on earlier communications about the Agency's awareness of these issues, I did nothing.

Then, on December 14, 2014, I received a Bill for Collection from EPA's Bureau/Office for Remittance Payable in the amount of \$211.10. The Bill, 15P032, was dated December 11, 2014. The due date for this bill is December 27, 2014. If not paid by December 27, 2014, the amount would increase to \$304.20 due to handling fees and interest accrual.

It appears that the incorrect assumptions made by DOI were just carried forward into the EPA Bill for Collection. Based on the Bill it appears that no communication occurred within the Agency about the issues related to Leave Bank and timekeeping, which I know to be inaccurate.

On December 15, 2014, I contacted *exempt* and *exempt* advising them that the Debt issue had not been resolved. *exempt* requested I prepare the above summary demonstrating that I was eligible for the Leave Bank during the timeframe the Debt supposedly occurred. This information was sent to *exempt* on December 18, 2014.

I received another Debt Collection Letter in January. I again contacted *exempt* On January 26, 2015. *exempt* forwarded a copy of the letter to *exempt* *exempt* requesting information on how to resolve this Debt. The message stated: The principle is based on an erroneous overpayment: the employee used Leave Bank hours granted by the Agency that the payroll system must not be accepting in error. There is now a handling charge associated with the account that should not have been generated.

On February 24, 2015, following the receipt of another Debt Collection letter, I sent an e-mail directly to *exempt* per the instructions in letter. I explained that the Debt was in error and explained to *exempt* that she should contact *exempt* *exempt* to resolve this Debt. On the same date I sent an e-mail *exempt* to advise her that the issue has not been addressed. I received an autoreply indicating that *exempt* was out of town until March 9th. Any issues should be sent to *exempt* *exempt*; supervisor, to be addressed. I sent an e-mail to *exempt* and *exempt* not receive a reply.

On March 20, 2015 I received another Debt collection notice from EPA, which included interest and handling fees, bringing the total debt to \$349.95. This form letter did not acknowledge any of *exempt* or my attempts to address this problem as described above. This letter was signed by *exempt*, who was contacted by *exempt* about this erroneous debt back in October 2014.

I have attempted to follow all of the instructions on how to address this issue. I have



Senator Maria Cantwell

697 U.S. Court House
W. 920 Riverside
Spokane, WA 99201
509-353-2507 (phone)
509-353-2547 (fax)

FAX COVER SHEET

Send to: EPA	From: Bryan Raines
Attention: Ms. Laura Vaught	Date: April 14, 2015
Office location: DC	Office location: Spokane
Fax number: 202-501-1619	Phone number: 509-353-2507 Fax number: 509-353-2547 Email: bryan_raines@cantwell.senate.gov

contacted *exempt*, who attempted numerous times to get the matter resolved. I contacted Legnice Stewart to discuss this issue and did not receive any response. *exempt* indicated I should send you this information per her e-mail to you and I on March 23, 2015.

I have attached some of the letters referenced above along with the leave bank approval letter to this e-mail. Please have the courtesy to contact me at 253-797-6303 (cell phone) to discuss resolution of this issue.

AL-15-000-7800



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C 20460

JUN 10 2015

OFFICE OF THE
CHIEF FINANCIAL OFFICER

Mr. Bryan Raines
Constituent Service Representative
U.S. Federal Court House
920 West Riverside, Suite 697
Spokane, Washington 99201

Dear Mr. Raines:

I am responding to a letter written by Senator Maria Cantwell, dated April 14, 2015, to Laura Vaught, Associate Administrator for Congressional and Intergovernmental Relations, concerning *exempt* constituent of the Senator. The employee was assessed a debt from our payroll provider, the Interior Business Center (IBC), in October 2014. The research by the Payroll Support Staff of the EPA into the debt concluded the debt was an error. As a result, the debt has been requested to be deleted on behalf of *exempt*. The debt recall number issued is R1500042399. *exempt* has been notified of the debt recall as well.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact James Blizzard, in the EPA's Office of Congressional and Intergovernmental Relations at blizzard.james@epa.gov or (202) 564-1695.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bloom", is written over a horizontal line.

David A. Bloom
Acting Chief Financial Officer

U.S. HOUSE OF REPRESENTATIVES
 COMMITTEE ON THE BUDGET
 SUBCOMMITTEE ON
 CHILD, FAMILIES, HOUSING,
 HEALTH, AND INVESTIGATIONS
 CHAIRMAN
 COMMITTEE ON THE BUDGET
 AND FISCAL POLICY



Congress of the United States
House of Representatives
 Washington, DC 20515-4905

SALE OF PUBLICATIONS
 House 2045
 Rayburn House Office Building
 Washington, DC 20515-4905
 202-225-4101
 FEDERAL OFFICE
 1200 Business Way, Room 101
 Washington, DC 20005-4294
 202-225-4101
 OFFICE OF THE CLERK
 CLERK OF THE HOUSE
 1-800-225-4101
 WEB SITE
 http://ethanolproducer.com

May 12, 2015

The Honorable Gina McCarthy
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Ave, NW
 Washington, D.C. 20460

Dear Administrator McCarthy:

Section 211(h)(1) of the Clean Air Act (CAA) restricts the Reid Vapor Pressure (RVP) of gasoline sold during summer months in the United States to 9.0 pounds per square inch (psi)¹. The CAA grants a one pound per square inch waiver for gasoline containing 10 percent ethanol.²

The EPA has consistently stated that the CAA only grants the one pound waiver for gasoline containing 10 percent ethanol. When the EPA authorized the introduction "of gasoline that contains greater than 10 volume percent ethanol and no more than 15 volume percent ethanol (E15),"³ it stated that "EPA interprets the 1.0 psi waiver in CAA section 211(h) as being limited to gasoline-ethanol blends that contain 10vol% ethanol."⁴ In January 2011, the EPA reaffirmed its interpretation stating that "EPA has historically implemented CAA section 211(h)(4) through 40 CFR 80.27(d), which provides that gasoline-ethanol blends that contain at least 9vol% ethanol and not more than 10vol% ethanol qualify for the 1.0 psi waiver of the applicable RVP standard."⁵

When the EPA authorized the introduction of E15 into the marketplace it worked closely with the Renewable Fuels Association (RFA) on regulatory issues and a strategy to mitigate the possibility of misfueling. The agency provided specific conditions that the RFA has compiled into the "E15 Retailer Handbook," which the EPA provides a link to on its website. The E15 Retailer Handbook states that "E15 may not exceed a maximum RVP of 9.0 psi during the summer volatility seasons (June 1-September 15). It also addresses misfueling concerns by providing a photo of the EPA approved E15 label and states that "the EPA encouraged industry to develop a public outreach and education program."⁶

Despite these statements from the EPA and the RFA, some retailers have relabeled their E15 pumps as flex-fuel during the summer months to avoid abiding by EPA's interpretation of the CAA's RVP limits.⁷

¹ 42 U.S.C. § 7545(h)(1).

² 42 U.S.C. § 7545(h)(4).

³ 75 Federal Register 68094

⁴ 75 Federal Register 68149

⁵ 76 Federal Register 4675

⁶ http://ethanolrfa.3cdn.net/d7f6b590dce0254053_nam62w7f1.pdf

⁷ Jessen, Holly. "E15 Supporters Speak Up." *Ethanol Producer Magazine* August 5, 2013
<http://ethanolproducer.com/blog/article/2013/08/e15-supporters-speak-up> (accessed May 7, 2015)

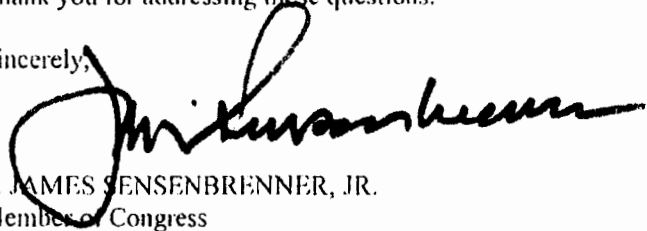
The EPA classifies E15 as gasoline. Retailers, however, have placed labels on their pumps that state that E15 is not gasoline (see photo 1). These are not the EPA's approved E15 label (see photo 2 for EPA approved E15 label) that the RFA has made available free of charge to E15 marketers.⁸

Given these facts, please address the following questions by June 1, 2015:

- Is it legal to sell, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP in excess of 9.0 psi during summer volatility seasons (June 1-September 15) in the 48 contiguous states?
- Is the RFA "E15 Retailer Handbook" correct that the EPA requires E15 pumps to have an EPA approved label?
- Photo evidence suggests that retailers are using an unapproved label for E15 pumps. Does Photo 1 or Photo 2 show the EPA approved E15 label?
- Does the EPA know who provided the E15 label to retailers shown in Photo 1?
- Could these signs be confusing to consumers and lead to misfueling?
- How will the EPA address the potential for misfueling?
- Does the Clean Air Act authorize a 1.0 psi RVP waiver for gasoline containing more than 10 percent ethanol?
- Has the EPA provided a waiver 1.0 psi RVP waiver for E15?
- How is EPA enforcing the federal E15 pump label?
- How is EPA enforcing E15's summer RVP?

Thank you for addressing these questions.

Sincerely,



F. JAMES SENSENBRENNER, JR.
Member of Congress

⁸ http://ethanolifa.3cdn.net/d17f6b590dcc0254053_nam62w7f1.pdf

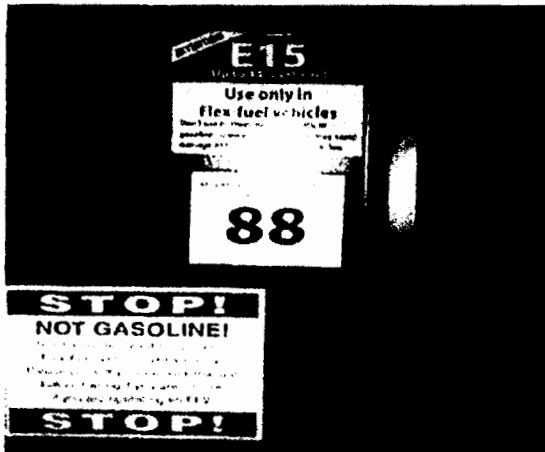


Photo 1.



Use only in

- 2001 and newer passenger vehicles
- Flex-fuel vehicles

Don't use in other vehicles, boats or gasoline-powered equipment. It may cause damage and is *prohibited* by Federal law.

Photo 2.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL -2 2015

OFFICE OF
AIR AND RADIATION

The Honorable F. James Sensenbrenner, Jr.
U.S. House of Representatives
Washington, D.C. 20515-4905

Dear Congressman Sensenbrenner:

Thank you for your May 12, 2015, letter to Administrator Gina McCarthy regarding the U.S. Environmental Protection Agency's administration of Section 211(h)(1) of the Clean Air Act (CAA) restricting the Reid Vapor Pressure (RVP) of gasoline sold during the summer months in the United States. We appreciated your questions and concerns regarding this Section of the CAA as it applies to E15, and we are actively following up on addressing them. The Administrator has asked me to respond on her behalf.

As an initial point, gasoline must meet the applicable seasonal and geographic requirements for RVP during the summer volatility season. Specifically, gasoline introduced into commerce during the summer ozone season may not exceed the more stringent of the applicable RVP standards set forth at 40 CFR 80.27(a)(2), or any applicable RVP standard in a federally approved state implementation plan. As you noted in your letter, the CAA in Section 211(h)(4) grants a 1.0 pound per square inch (psi) waiver for gasoline containing 10 percent ethanol from the applicable RVP standard during the summer months (June 1 – September 15 at retail). The Agency has consistently construed this provision as not authorizing a 1.0 psi RVP waiver for gasoline containing more than 10 percent ethanol. The E15 waiver decisions also limit the RVP of E15 to 9.0 psi during the summertime. The RVP standard for E15 is enforceable in the same manner as all other EPA standards for gasoline.

In regards to labeling on pumps, of the photos you provided, "Photo 2" shows the EPA-approved E15 label. The E15 Misfueling Mitigation Rule and the misfueling mitigation conditions in the E15 waiver decisions require that E15 sold for use in Model Year (MY) 2001 and newer light-duty gasoline vehicles (commonly referred to as passenger vehicles and which include cars, minivans, and most pick-up trucks) must use the EPA-approved E15 label. Retailers should clearly differentiate between fuel sold for use in Flexible Fuel Vehicles (FFVs) and fuel sold for use in other vehicles, engines, and equipment.

The EPA uses industry-funded surveys conducted by an independent party to monitor compliance with the EPA E15 labeling requirements. These surveys are required under the EPA regulations and as a condition to the introduction of E15 into commerce for use in MY 2001 and newer conventional vehicles under the E15 waivers. The EPA monitors the survey data and, as

stated in the E15 misfueling mitigation rule, may pursue future misfueling mitigation measures if warranted. The EPA continues to encourage all members of the fuels industry to constructively work together through the E15 Education and Outreach Coalition (<http://www.e15fuel.org>) to improve consumer awareness and reduce the likelihood of misfueling.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

AL-15-000-8384

Congress of the United States

Washington, D.C. 20515

April 15, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We are writing to share our concerns with the Environmental Protection Agency's (EPA) proposed rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," and the potential impact on Wisconsin's citizens and utilities.

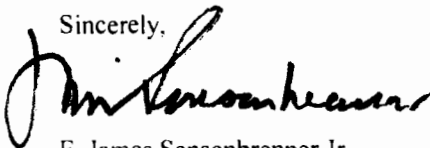
Since 2000, Wisconsin utilities and customers have spent \$11 billion to improve the state's carbon dioxide (CO₂) emissions, add environmental controls and upgrade infrastructure to improve reliability. The Public Service Commission of Wisconsin estimates that the EPA's plan will cost the utilities an additional \$3 to \$13.4 billion. This cost estimate does not take into account electric transmission and natural gas infrastructure upgrades that may be required for compliance.

The EPA's proposal does not provide credit for the significant CO₂ reductions that Wisconsin utilities undertook. Wisconsin utilities reduced CO₂ emissions by more than 15 percent for the 2005 to 2012 period. However, EPA's proposal would require our State to use a 2012 baseline and eliminate any credit for early efforts to reduce CO₂ emissions. Using the 2012 baseline will discourage proactive efforts that Wisconsin's companies undertook. At a minimum, a multi-year baseline should be adopted.

Your proposed interim emission reduction goal may result in reliability issues and impact customer rates. States would have until 2030 to comply with final emission goals, but the EPA's interim target would require Wisconsin to be more than 87 percent of the way toward its final goal during the decade beginning in 2020. Furthermore, Wisconsin may only have six months between the approval of the State's plan and the beginning of the interim compliance period, since the plan may not be approved by the EPA until the middle of 2019. The result will be excessive emission reductions in the course of less than a year that could threaten the reliability of the electric system and increase customer costs.

We would like you to reply to our letter and address our concerns by May 1, 2015. Thank you for your attention to this letter.

Sincerely,

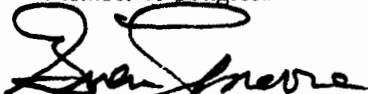


F. James Sensenbrenner Jr.
Member of Congress

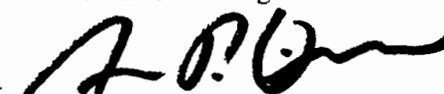


Ron Kind
Member of Congress

Paul Ryan
Member of Congress



Gwen Moore
Member of Congress



Sean Duffy
Member of Congress



Reid Ribble
Member of Congress



Glenn Grothman
Member of Congress

AL-15-000-8384



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 2015

OFFICE OF
AIR AND RADIATION

The Honorable F. James Sensenbrenner, Jr.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Sensenbrenner:

Thank you for your letter of April 15, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

F. JAMES SENSENBRENNER, JR.
 Member of Congress
 COMMITTEE ON THE ENVIRONMENT
 HOUSE OF REPRESENTATIVES
 2201 RAYBURN BUILDING
 WASHINGTON, DC 20515-4005
 202-225-3001



Congress of the United States
House of Representatives
 Washington, DC 20515-4905

July 23, 2015

The Honorable Gina McCarthy
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Ave., NW
 Washington, D.C. 20460

Dear Administrator McCarthy:

Thank you for appearing before the House Science Committee on July 9 and the EPA's reply to my letter on July 2. I appreciate your willingness to listen to my concerns and address them.

Acting Assistant Administrator McCabe's response to my letter regarding Reid Vapor Pressure (RVP) and the Clean Air Act (CAA) left some questions unanswered and raised new ones.

I would like you to address the following questions.

- It is legal to relabel E-15 as flex fuel?
- Is it legal to sell E-15 as flex fuel?
- If it is illegal to sell or label E-15 as flex fuel, how and when will the EPA inform retailers that it is illegal?
- How will the EPA enforce the E-15 Misfueling Mitigation Rule, RVP violations and related CAA provisions?

I would also like more information regarding the "industry-funded surveys conducted by an independent party to monitor compliance with EPA E-15 labeling requirements."

- Have industry-funded surveys found retailers relabeling E-15 as flex fuel?
- How long has EPA used industry-funded surveys to monitor compliance the E-15 Misfueling Mitigation Rule and pump labeling requirements?
 - Please provide all survey results to me with your reply to this letter.
- Which independent party, or parties, monitored compliance with the EPA E-15 labeling requirements for each year the EPA used the industry-funded surveys?

I request that you respond to this letter and document request by August 19, 2015. Thank you for your attention to this matter.

Sincerely,

F. JAMES SENSENBRENNER, JR.
 Member of Congress

2015-07-23 10:00
 P. 001-2449
 HOUSE OF REPRESENTATIVES
 WASHINGTON, DC 20515-4905
 202-225-3001
 4001 E STREET
 1200 PENNSYLVANIA AVE, NW
 WASHINGTON, DC 20540-1100
 202-225-3001
 HOUSE OF REPRESENTATIVES
 CLERK'S OFFICE
 1000 LONGWORTH BUILDING
 WASHINGTON, DC 20540-1100
 202-225-3001

United States Senate

WASHINGTON, DC 20510

July 10, 2015

The Honorable Janet McCabe
Acting Assistant Administrator
Office of Air & Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**Re: National Emission Standards for Hazardous Air Pollutants: Ferroalloys
Production
Docket No. EPA-HQ-OAR-2010-0895**

Dear Assistant Administrator McCabe:

We write to follow up to our prior meetings and contacts during which we discussed the Environmental Protection Agency's rule entitled, "National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production" ("the final rule") (76 FR 72508). EPA finalized the rule on May 28, 2015. We reiterate the importance of cooperative dialogue among the Agency and stakeholders to ensure that the rule is technically and financially feasible for the impacted companies, Eramet Marietta and Felman Production.

EPA committed to develop a reasonable rule that drives environmental improvement in a manner that the companies can comply with sensible investment. You assured us of the Agency's efforts to honor that commitment and that the agency recognizes the significant labor and defense implications of the proposal should technical requirements render continuing operation in the United States infeasible. You also reported that the data and alternatives offered by the companies was helpful to the EPA in developing the final rule.

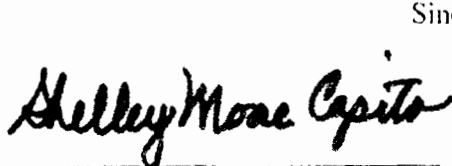
We appreciate EPA's efforts to take a balanced approach to the final rule, but we are concerned that the two-year compliance period may make it impossible for our constituent companies to make the necessary investments to meet the required standards. Given the extensive process undertaken by both EPA and the companies to achieve a balanced rule, it would be extremely disappointing if the companies are forced to stop operating because they lacked the time and/or resources to implement new emissions controls within the timeframe in the final rule.

We believe that the final rule should be considered a major regulation under the Congressional Review Act because of its impact on "the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets." *See* 5 U.S.C. 802(2)(C). Such a designation would have the incidental benefit of a longer effective compliance period. More importantly, even if the final rule is not designated as a major regulation, we would ask that you give full consideration to providing a longer compliance period through a consent decree or other procedural mechanism. This would make sure that the hard work invested by the companies and

the EPA will result in both continued operations at the two companies and the emission reductions sought by the final rule.

We want to ensure that the months of valuable, cooperative communication among the EPA, Eramet Marietta and Felman Production were not misspent. We reemphasize the importance of an inclusive dialogue to produce a rule that benefits all Americans without sacrificing the important contribution these companies make to communities in our states and to our constituents.

Sincerely,



Shelley Moore Capito
United States Senator



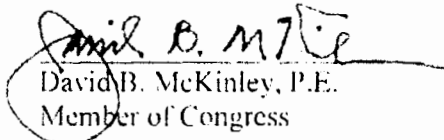
Joe Manchin III
United States Senator



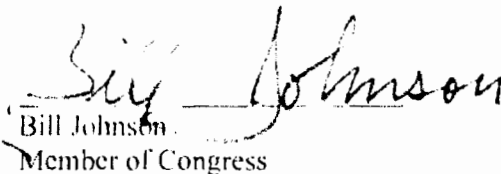
Rob Portman
United States Senator



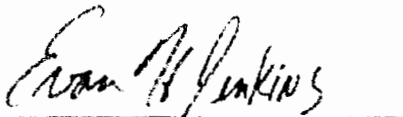
Sherrod Brown
United States Senator



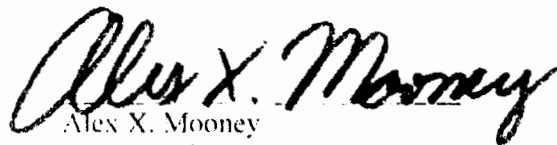
David B. McKinley, P.E.
Member of Congress



Bill Johnson
Member of Congress



Evan H. Jenkins
Member of Congress



Alex X. Mooney
Member of Congress

AL-15-001-1287



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 03 2015

OFFICE OF
AIR AND RADIATION

The Honorable Rob Portman
United States Senate
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your letter of July 10, 2015, regarding the National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production final rule that was signed by the U.S. Environmental Protection Agency Administrator Gina McCarthy on May 28, 2015 and published in the Federal Register on June 30, 2015.

I appreciate the detailed points raised in your letter. We understand that the two ferroalloys production facilities, Eramet Marietta and Felman Production, will need a considerable amount of time to install controls to comply with the standards. Therefore, in the final rule we provided the maximum time of two years allowed under section 112(f) of the Clean Air Act for the facilities to comply with the rule. However, we are aware one or both facilities might need more than two years to achieve full compliance. Therefore, we are discussing this issue with other EPA Offices, including the Office of General Counsel and Office of Enforcement and Compliance Assurance, to explore options to provide a longer compliance period.

Additionally, in your letter, you suggest that the final rule should be considered a major regulation under the Congressional Review Act (CRA). According to the CRA, the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget determines major rule status based on finding a rule results in or is likely to result in certain statutory criteria being met [5 USC 804(2)], including if the rule would have significant adverse impacts on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. After extensive work with both affected entities, we believe the current rule will not result in significant adverse effects on the ability of Eramet Marietta and Felman Production to compete with foreign-based enterprises in the domestic and export markets.

We greatly appreciate all the input we have received during the rulemaking process from the public, the states, industry stakeholders, environmental groups, elected officials and many others on the various issues. We considered all the input we received in developing the final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202)-564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

August 3, 2015

The Honorable Kathryn D. Sullivan
Administrator
National Oceanic and Atmospheric Administration
Herbert C. Hoover Building, Room 6811
14th Street & Constitution Avenue, NW
Washington, DC 20230

The Honorable Susan Hedman
Regional Administrator
U.S. EPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, Illinois 60604

Brigadier General Richard G. Kaiser
Division Commander
U.S. Army Corps of Engineers,
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, Ohio 45202-3222

Dear Administrator Sullivan, Administrator Hedman, and Brigadier General Kaiser;

We are writing in regards to the elevated public health advisory issued by Ohio public health officials for Grand Lake St. Marys in Celina, Ohio. We ask that the National Oceanic and Atmospheric Administration (NOAA), U.S. EPA, and the U.S. Army Corps of Engineers provide assistance to Governor Kasich and the respective Ohio agencies as they work to improve the water quality and safety of Grand Lake St. Marys.

On Tuesday, July 28, 2015, Ohio public health officials elevated the public health advisory for Grand Lake St. Marys that had been posted in early June. The elevated advisory was a result of increased levels of microcystin in the lake and reports from a local health department that an individual had fallen ill after recreating on the lake. Signs have been posted at Grand Lake St. Marys encouraging visitors to avoid and limit exposure to the lake, as swallowing, breathing in, or touching water containing high levels of microcystin can cause serious illness.

The presence of harmful cyanotoxins continues to be a problem for Ohio, as record heavy rainfall this spring and summer has put freshwater bodies such as Lake Erie and Grand Lake St. Marys at increased risk. The water crisis which disrupted the water supply of roughly 500,000 people in Toledo last August highlights the need to protect our freshwater bodies from high microcystin levels, which has dramatic impacts on public health, tourism, and the local economy.

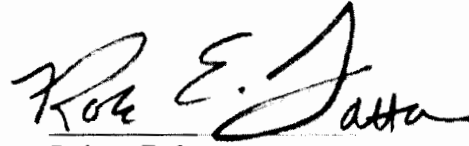
We continue to be supportive of the efforts of Ohio agencies to monitor the water quality of areas susceptible to high microcystin levels, and we ask your assistance in addressing the elevated public health advisory recently posted at Grand Lake St. Marys.

Thank you for your consideration of our request. We look forward to your response.

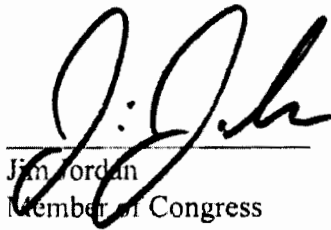
Sincerely,



Rob Portman
U.S. Senator



Robert E. Latta
Member of Congress



Jim Jordan
Member of Congress

cc: John R. Kasich, Governor of Ohio
Craig Butler, Director, Ohio Environmental Protection Agency



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

SEP 01 2015

The Honorable Rob Portman
United States Senate
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your August 3, 2015 letter regarding harmful algal blooms and high microcystin levels in Grand Lake St. Marys.

The U.S. Environmental Protection Agency is supporting state and local efforts to address the nutrient-related issues that drive harmful algal blooms and microcystin outbreaks in Grand Lake St. Marys. For example, EPA provided Clean Water Act Section 319 funding (\$2.6 million) to the Ohio Environmental Protection Agency for projects to improve water quality in Grand Lake St. Marys -- including in-lake treatment and projects to promote agricultural practices that reduce runoff. EPA will continue to support the Ohio Environmental Protection Agency's targeted use of Section 319 funding to improve water quality in Grand Lake St. Marys.

While EPA-funded activities have helped to reduce nutrient loading to Grand Lake St. Marys, problems persist. Manure applied as fertilizer continues to be a major source of excess nutrients and tile drainage in the watershed provides a ready pathway for those nutrients to reach the lake. Further progress to restore Grand Lake St. Marys will require widespread implementation of agricultural best practices and significant additional efforts -- such as large-scale treatment systems to remove pollutants from tributaries that discharge to the lake.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator

Congress of the United States
Washington, DC 20515

April 14, 2015

The Honorable Gina McCarthy
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

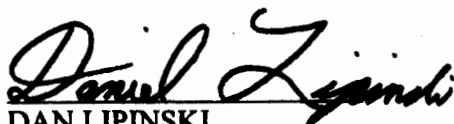
We write to you today to inquire into the status of the Consent Decree in *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, Civil Action No. 13-00317 (W.D. Mich. entered into Oct. 10, 2013). Given the upcoming compliance deadline specified in this Consent Decree, we believe it is important that we preserve the environmental quality of Lake Michigan by ensuring that coal-ash is no longer discharged into its waters.


As you know, the Consent Decree entered into by the Environmental Protection Agency (EPA) and the Lake Michigan Carferry (LMC), the S.S. Badger's owners, requires that the S.S. Badger cease discharging coal-ash into Lake Michigan by the start of this operating season. A review of the correspondence between the LMC and your agency, as well as the compliance documents submitted by the LMC, indicates that certain milestones specified in the Consent Decree may have been missed or misinterpreted. This raises concern that the deadline for the S.S. Badger to stop discharging coal ash may also be missed and result in an extension that allows for another operating season involving the discharge of coal-ash into Lake Michigan. Accordingly, we respectfully ask that you provide us with an update on the status of the S.S. Badger's compliance efforts and the EPA's plan for responding to any requests for an extension should the S.S. Badger be unable to meet its upcoming deadline.

In addition to our water quality concerns, we would also like to inquire whether the EPA has conducted an analysis to determine whether the S.S. Badger's air emissions are compliant with the Clean Air Act. Given that the combustion systems of the S.S. Badger may be reconfigured, it is critical that the EPA consider the potential effects on the air quality of the region.

As the 2015 operating season is likely to start in May, we respectfully ask that you provide us with this information as soon as possible. Thank you for your consideration and please contact Shawn Kimmel (shawn.kimmel@mail.house.gov) on the staff of Congressman Lipinski and Alexandra Vecchio (Alexandra.Vecchio@mail.house.gov) on the staff of Congressman Quigley should you have any questions.

Sincerely,


DAN LIPINSKI
Member of Congress


MIKE QUIGLEY
Member of Congress



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

AL-15-000-8369

MAY 19 2015

The Honorable Daniel Lipinski
House of Representatives
Washington, D.C. 20515

Dear Congressman Lipinski:

Thank you for your April 14, 2015 letter regarding the consent decree in *United States of America v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry* (LMC), of Ludington, Michigan.

Following an inspection of the S.S. Badger with the U.S. Coast Guard last week, the U.S. Environmental Protection Agency confirmed that LMC has taken all the steps necessary to permanently stop the discharge of coal ash into Lake Michigan. LMC's elimination of coal ash discharge was the result of a Clean Water Act enforcement action taken by EPA in September 2013 to ensure compliance with the water quality standard for mercury.

EPA's inspector confirmed that the S.S. Badger's mechanism to discharge coal ash has been removed and replaced with a system to retain coal ash. The new system will transport ash from the ship's four boilers to four retention bins on the car deck.

EPA required LMC to eliminate the discharge of coal ash into Lake Michigan by the end of the 2014 sailing season. EPA also required LMC to reduce its coal ash discharge in 2013 and 2014 and to pay a \$25,000 civil penalty for a 2012 violation of the mercury water quality standard.

Regarding air quality, EPA has conducted a regulatory analysis and determined that the S.S. Badger appears to be in compliance with Clean Air Act requirements. Regardless, EPA has provided information to LMC about the installation and operation of cleaner diesel or alternatively-fueled engines on the S.S. Badger.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is located below the "Sincerely," text.

Susan Hedman
Regional Administrator

AL-15-001-1791

DANIEL LIPINSKI
1ST DISTRICT, ILLINOIS
www.lipinski.house.gov

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COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-1303

July 15, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

The Honorable Susan Hedman
Region 5 Administrator
Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604

Dear Administrator McCarthy and Regional Administrator Hedman:

We have a long standing interest in the protection of the Great Lakes as well as regional air quality, and as such have followed the case of the S.S. Badger closely. As such we write to you today to request further clarification as to whether the S.S. Badger is in compliance with the Clean Air Act (CAA). Given the language used in your response to our letter dated April 14th, clarification would be greatly appreciated in determining whether further action is necessary to protect the air of the Great Lakes region.

In your letter dated May 19th, you indicated that the Environmental Protection Agency (EPA) "has conducted a regulatory analysis and determined that the S.S. Badger appears to be in compliance with Clean Air Act requirements." However, upon further discussion with EPA, it was revealed that the S.S. Badger is not regulated under the Clean Air Act. Given this discrepancy, we would like to understand whether the EPA's May 19th statement indicates that the S.S. Badger is in compliance with the CAA regardless of whether the CAA actually covers it or whether the S.S. Badger appears to be in compliance merely because the EPA has deemed that the CAA requirements do not apply to this vessel and actual compliance with law is therefore unnecessary. Additionally, we would appreciate if the EPA could provide documentation of its legal basis for determining that the S.S. Badger, a mobile pollution source, is not regulated under the Clean Air Act.

Thank you for your consideration of this request. We appreciate the EPA's attention to this matter and look forward to receiving your clarification letter in the coming days.

Sincerely,

Daniel Lipinski

DAN LIPINSKI
Member of Congress

Mike Quigley

MIKE QUIGLEY
Member of Congress

6245 SOUTH ARCHER AVENUE
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AL-15-001-1791



United States Environmental Protection Agency
Regional Administrator
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

AUG 07 2015

The Honorable Daniel Lipinski
House of Representatives
Washington, D.C. 20515

Dear Congressman Lipinski:

Thank you for your July 15, 2015 letter regarding air emissions from the S.S. Badger car ferry.

As you may know, U.S. Environmental Protection Agency attorneys spoke with your staff on July 21, 2015 to clarify the extent to which the S.S. Badger is regulated under the Clean Air Act. As EPA explained during the conference call, EPA's Clean Air Act mobile source regulations apply to marine vessels with spark-ignition (gas) or compression-ignition (diesel) engines. See for example 40 C.F.R. part 94 and part 1042. EPA's Clean Air Act regulations do not apply to coal-fired steam ships. Consequently, emissions from the S.S. Badger do not violate the Clean Air Act.

Thank you again for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Fortin, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman
Regional Administrator

R5-15-001-1532-C

DANIEL LIPINSKI
3RD DISTRICT, ILLINOIS
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COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY

Congress of the United States
House of Representatives
Washington, DC 20515-1303

July 15, 2015

The Honorable Gina McCarthy
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Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

The Honorable Susan Hedman
Region 5 Administrator
Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604

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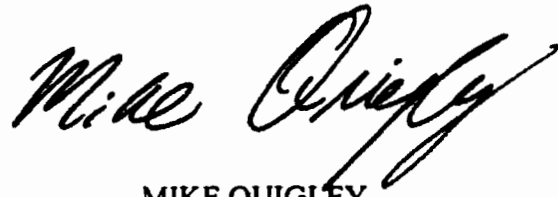
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Thank you for your consideration of this request. We appreciate the EPA's attention to this matter and look forward to receiving your clarification letter in the coming days.

Sincerely,



DAN LIPINSKI
Member of Congress



MIKE QUIGLEY
Member of Congress

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United States Senate

WASHINGTON, DC 20510

May 19, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
U.S. EPA Headquarters – William J. Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy,

We write to express concerns about the treatment of nuclear power generation under EPA's proposed Clean Power Plan under Section 111(d) of the Clean Air Act.

This portion of EPA's proposed rule is in need of revision because it picks winners and losers, treats states with nuclear plants that are already under construction unfairly, and could lead to the closure of some of our nation's 99 nuclear reactors which provide nearly 20 percent of total U.S. electricity and approximately 60 percent of our country's carbon-free electricity.

First, EPA includes an arbitrary designation of six percent of nuclear generation as "at risk" when calculating the states' target emission rates. As proposed, the rule provides little incentive to keep existing nuclear plants open; in fact, some states would achieve lower emissions rates if they were to replace all of their existing nuclear generation with natural gas. Having carbon-free nuclear generation replaced with natural gas would be counterproductive. Recognizing that EPA's goal is to reduce carbon emissions, all carbon-free sources should be treated equally.

Second, EPA imposes a substantially more stringent emission target in states where nuclear plants are under construction. States should be given full credit for new carbon-free generation in their compliance calculations. However, EPA's approach severely disadvantages states and utilities for taking early, voluntary action to develop new sources of clean, cheap, and reliable nuclear energy.

Third, the proposed rule does not sufficiently incentivize the construction of new nuclear power plants. Specifically, EPA's compliance schedule does not take into account the amount of time needed for licensing, permitting, and construction of a new nuclear power plant. Without the time necessary to bring new nuclear generation online, EPA is failing to promote the only source of carbon-free baseload electricity generation. EPA should encourage new nuclear generation even if it takes more than a decade to come online.

EPA must recognize nuclear generation as an invaluable source of clean, cheap, and reliable energy, and we hope that you will carefully consider our concerns before moving forward.

Sincerely,

Lamar Alexander

Lamar Alexander
United States Senator

Tom Carper

Thomas Carper
United States Senator

Cory Booker

Cory Booker
United States Senator

LAMAR ALEXANDER
TENNESSEE

United States Senate

WASHINGTON, DC 20510

May 19, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
U.S. EPA Headquarters -- William J. Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

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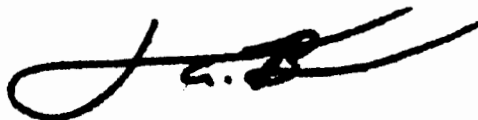
Sincerely,



Lamar Alexander
United States Senator



Thomas Carper
United States Senator



Cory Booker
United States Senator

AL-15-000-9054



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN - 8 2015

OFFICE OF
AIR AND RADIATION

The Honorable Lamar Alexander
United States Senate
Washington, D.C. 20510

Dear Senator Alexander:

Thank you for your letter of May 19, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the Clean Power Plan for existing power plants that was signed by the Administrator on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The Administrator asked that I respond on her behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions. The proposed Clean Power Plan builds on what states, cities and businesses around the country are already doing to reduce carbon pollution and establishes a flexible process for states to develop plans to reduce carbon dioxide that meet their needs. We have placed your comments regarding the treatment of nuclear power generation under the Clean Power Plan in the docket for this rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202) 564-2998.

Sincerely,

A handwritten signature in black ink, appearing to read "J.G. McCabe".

Janet G. McCabe
Acting Assistant Administrator